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A Judge Davis 1-254

TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

No. ~~326.~~ 100

T. J. HAINES ET AL., TRUSTEES OF THE VICKSBURGH BAPTIST CHURCH, APPELLANTS,

vs.

CHARLES CARPENTER, EXECUTOR; M. B. CARPENTER, C. CARPENTER, GEORGE T. TREZEVANT, ET AL.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE DISTRICT OF LOUISIANA.

FILED NOVEMBER 7, 1873.

Affirmed Bradley



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1 UNITED STATES OF AMERICA.

United States circuit court, fifth circuit and district of Louisiana. In equity.

T. J. HAINES ET ALS., TRUSTEES, ETC.,
vs.
CHAS. CARPENTER, EXECUTOR, ETC., ET ALS. } No. 6802.

Bill of complaint.—Filed September 17th, 1872.

In the circuit court of the United States for the district of Louisiana.

To the judges of the circuit court of the United States for the district of Louisiana:

T. J. Walne, A. Legrand, A. C. Kirven, A. V. Putman, and T. J. Haines, who are trustees of the Vicksburg Baptist church of Vicksburg, in the State of Mississippi, a body corporate by the laws of said
2 State, all of said trustees being citizens of said State of Mississippi and residents at Vicksburg, in said State of Mississippi, in their said corporate name bring this bill against Chas. Carpenter, executor of the last will and testament of Celia A. Groves, deceased, late of the parish of Madison, in the State of Louisiana, said Charles Carpenter being a citizen of the State of Louisiana and resident in said district, and against Elias S. Dennis, a citizen of said State of Louisiana and resident in said district; and against Julia Trezevant and George T. Trezevant, her husband, and Celia and Ann Groves, minor children of said Julia Trezevant, all citizens of said State of Louisiana and resident in said district; and against Bettie Clemens and her husband, Sherard Clemens, and the children, Rachel L. Groves and Catherine B. Groves, of the said Bettie Clemens, of the State of Virginia, who are herein prayed to be made parties to this bill, according to the act of Congress in such cases made and provided; and against Richard H. Groves, Edward S. Groves, and Annie E. Groves, the wife of Henry Johnson;
3 and against said Henry Johnson, all citizens and residents of the county of Haywood, State of Tennessee; Robert D. Groves, Eldridge D. Groves, and Charles Churchill & his minor child, Charles Churchill, citizens of the city of Memphis, State of Tennessee; and against William S. Groves, a citizen of the State of Georgia; and against Robert E. Ri ers, a citizen of the State of Arkansas, and Annie E. Rivers, of Tip on County, State of Arkansas, all of whom are herein prayed to be made parties defendant to this bill, according to the act of Congress in such cases made and provided; and against Mary Stout and her husband, Thomas C. Stubblefield, citizens of the State of Louisiana, who reside in the parish of Madison in said district; and against John A. Klein, a citizen of Vicksburg, Mississippi; and against Grove Stansbury, a minor, and a citizen of the State of Louisiana; and against Emma Purvis; and against Tobias Smith; and against Seayer Hays, all citizens of Madison Parish, State of Louisiana; and against Malinda B. Carpenter and her husband, Charles Carpenter, citizens of Richland Parish, State of Louisiana. And, therefore, your orators com-
4 plain and say:

That Celia A. Grove, late of said parish of Madison, State of Louisiana, deceased, departed this life on the day of February, A. D. 1872, leaving a last will and testament, known as an oligraphic will, by which she bequeathed to said Baptist church her plantation on which

she resided at the time of her death, situated in said parish of Madison, State of Louisiana, except one hundred & fifty acres lying at the lower end of the land of the testatrix and east of her residence, a copy of which said will is herewith filed with a copy of the record herein referred to, and filed herewith as part hereof, marked as Exhibit "A," and prayed to be taken as part of this bill; and after bequeathing certain legacies and providing for the friends named in the will, said testatrix appointed said defendant Charles Carpenter the executor of the decedent's said will, granting him the seizin of her estate for the purposes of the will, all the provisions of said will being especially referred to herein
5 as parts of this bill, but are not now especially repeated, as your orators are advised that such repetition is unnecessary and would render their then said bill to' prolix and cumbersome.

Your orators now show unto your honors that the "plantation" referred to in said will, and bequeathed as aforesaid to said Baptist church, consists, as they are informed and believe, of the following described and mentioned lands lying and being in said parish of Madison, State of Louisiana, in said district, to wit: The Willow Glen Plantation, consisting of lots six (6) and seven, (7,) and the west half of lot eight, (8,) township No. sixteen, (16,) and range No. fifteen (15) east; and lot thirty, (30,) township fifteen, (15,) and range fifteen (15) east; and containing in the aggregate six hundred acres, more or less, which said land constituted the bequest so made as aforesaid to said chuch, except the reservation of one hundred and fifty acres thereof devised for other purposes, as set forth in said will; that by item fifth of said will said testatrix desired that said lands so given to said Baptist church should not be sold, but should be held by the said Baptist church
6 forever, and the "proceeds" said testatrix desired should be used to educate young men for the ministry; and your orators will be able to show unto your honors, as they are informed and believe, and so charge, that in the use of the words "the Baptist church now in the city of Vicksburg," as used in said will, in item fifth, wherein your orators aver and declare that said lands, as hereinbefore described, were bequeathed to the "Baptist church of the city of Vicksburgh," said testatrix intended, designed, and meant to bequeath such lands to the "Vicksburg Baptist church," for which, as aforesaid, your orators are trustees, and that said testatrix meant no other church and no other persons than the said Baptist church of the city of Vicksburg, in whose behalf this bill is filed by your orators as trustees thereof as aforesaid.

Your orators now further show unto your honors that by the act of incorporation of said Baptist church of the city of Vicksburg, by the legislature of the State of Mississippi, a copy of which is hereby filed as part hereof, marked "Exhibit B," and a duly certified copy where-
7 of will be presented to your honors at the trial as part of this bill, said Baptist church of the city of Vicksburg could take and receive, hold and acquire, estate not to exceed thirty thousand dollars in value, and by the said act of incorporation had the right to take, receive, and acquire the lands and estate so bequeathed as aforesaid by the said Celia A. Grove to said Baptist church, by said last will and testament of said Celia A. Grove, which in all, as your orators are informed and believe, does not exceed in value the said sum of thirty thousand dollars, and said donation does not exceed the limit so granted in such charter, and that, under the said act of incorporation, your orators are the duly qualified, elected, and empowered trustees of said incorporation, and as such have the right to file this their bill of complaint in this honorable court.

Your orators now show unto your honors that the succession of said Celia A. Grove has been duly opened in said parish of Madison by the parish court thereof, inventory and appraisement had, said last
8 will and testament duly proven and admitted, and said Charles Carpenter duly appointed and qualified as executor, all whereof will more fully appear unto your honors by reference to a duly certified copy of the records thereof, filed herewith as part of this bill, and marked Exhibits "A," "C," "D," "E," and that the estate and property of said testatrix, including said lands aforesaid, are now in the possession of said defendant Charles Carpenter, who has undertaken and entered upon the duties of executor of said will; that said inventory and appraisements exhibited herewith as aforesaid show the amount and value of the personal estate of said decedent at the time of her death, as well as the value of the lands aforesaid, but that your orators are wholly unadvised as to what disposition is being made of said personal estate, or what has become of the same, except some few of the legacies named in the will; that your orators are informed and believe that the said Charles Carpenter is wholly unfit and incompetent to manage and successfully control said estate in such way as
9 will best secure the benefit and advantage of the said succession; that the said land has only been partially cultivated and leased, and the true interest of the succession neglected, because your orators are informed and believe the whole of said lands, which are susceptible of cultivation, could have been easily put in cultivation, and thus increased largely the income and increase of the estate; that your orators are informed and believe that out of the whole cultivatable lands belonging to said plantation there are but about one hundred and fifty acres in cultivation, whereas there should have been over three hundred acres, because your orators aver that said lands are near the Mississippi River, where labor in abundance could have easily been obtained, and where advantageous contracts for the lease of said lands could have been made, but that, to the contrary thereof, said Charles Carpenter has so negligently and carelessly conducted himself, as executor, about the affairs of the succession, as to permit, suffer, and allow the larger
10 part of said lands to be and remain greatly unproductive to the succession, so that your orators greatly fear that said lands will depreciate in value and finally become wholly lost to the objects and ends designed and intended by the said testatrix in her last will and testament aforesaid; and your orators are informed and believe that from the said careless and negligent manner aforesaid in which said executor conducts himself about the affairs of said succession, most, if not all, of the rents, issues, and profits of the present year of said lands will be lost, ungathered, and unaccounted for, and the value of the whole succession mainly depends upon the careful, safe, and prudent husbandry of all the available resources of the succession, which your orators believe the said executor has not shown and exhibited as aforesaid.

Your orators charge that it was the bounden duty of the said executor to have taken immediate personal control and supervision of all the affairs of said succession, and not to have delegated any of the
11 said powers and duties imposed upon him as said executor to any one else. Yet such has been the case, and said executor has depended upon others to manage and direct the affairs of the succession; from all of which facts your orators charge that said succession is liable, in the hands of such executor, to go to waste and be injured and greatly

damaged, decreased in value, and its usefulness impaired, lost, and destroyed.

Wherefore your orators believe and charge that said executor should be removed, and some wise, proper, and discreet person should be appointed by this honorable court to receive and take charge of all such successions and administer the same under the orders and decrees of this honorable court, and that the equities of your orators can only be preserved by the appointment of a receiver herein.

Your orators now further show unto your honors that they are advised, informed, and believe that the duties imposed by law upon
12 the said executor of said last will and testament demands of said executor that he should endeavor to carry out the designs and intentions of the said testatrix as expressed in the will, but that they are informed and believe the said executor is endeavoring to defeat the bequest made to the said Baptist church, by depreciating the value of the estate as aforesaid, and by combining and confederating with said Elias S. Dennis to institute fictitious suits against said executor, in order to sweep away the assets of the estate and to consume the succession in the payment of judgments thus obtained, all of which your orators charge to be in fraud of the rights of your orators and in fraud of the duties thus imposed by law upon said executor.

For your orators are informed and believe that the said Elias S. Dennis, with the knowledge and consent of said executor, instituted a suit in the district court of the (13) thirteenth judicial district of said State of Louisiana, in and for said parish of Madison, against said executor, claiming, as your orators are informed and believe, a
13 large amount due to said Dennis as a partner of said testatrix, and with a view of absorbing the said succession by a judgment, thus obtained; that your orators have endeavored to procure a duly-certified copy of said proceedings to file and exhibit the same as part of this bill, but have been unable to do so, as they were informed by the clerk of said court that the original of said record was in the hands of the judge of said State court, to whom the same had been submitted for his decision, but your orators will produce and file said copies hereafter, should the same become necessary.

Your orators charge that they will be able to prove, as they are informed and believe, that said Elias S. Dennis was never a partner of said testatrix; that he was merely an agent of testatrix, and acted merely as agent, and that no such claims were ever set up, or even pretended by said Dennis, until long subsequent to the decease of said testatrix; that Dennis was a poor man, without means, and was recognized by the said testatrix and by the public at large, and from
14 the statement of the testatrix, and said Dennis himself, was nothing more than a mere friendly agent of the testatrix; and your orators propose to show unto your honors, in connections with such proof, the kind, character, and value of the testimony adduced by said Dennis in said writ, in said State court, to establish such partnership, and its utter and entire worthlessness, as well also as the acts and combinations had and done by and between the said Charles Carpenter and said Elias S. Dennis, whereby your orators charge the fraudulent design and intention existing between said executor and said Dennis, and your orators will pray your honors, by decree, to protect your orators against such suit, and against such fraudulent combination.

Your orators therefore charge that in order to protect the equities of your orators, this honorable court should take jurisdiction of the affairs of the succession, and in order to give your orators full, perfect, and

adequate relief in the premises should prevent the said executor and said Dennis from the further pursuit of such fraudulent, inequi-
15 table, and unjust combination between them.

Your orators further show unto your honors that said defendants Mary Stout and her husband, said defendant Thomas C. Stubblefield, and said defendant Julia Trezevant, with her husband, said defendant Geo. T. Trezevant, who sues in behalf of the said defendants, the said minors Celia and Rachel Groves, and the said Bettie Clemens and her husband, said defendant Sherard Clemens, who sues in behalf of said defendants, the said minors Rachel L. and Catherine B. Groves, have instituted their suit in the parish court of said State of Louisiana in and for the said parish of Madison, representing themselves to be the only heirs at law of said testatrix, and claiming that the said last will and testament of said testatrix, so solemnly made by her as aforesaid, was pretension on her part in the great, good, and noble design and intention expressed by her therein towards the said Baptist church, and by their said suit claiming that the said bequest to the said church was null and void, on the grounds that there existed no such person as said church, and for uncertainty, because there existed at the time
16 said will was made more than one religious "organization" in Vicksburg known as the "Baptist church of Vicksburg;" and because said church by the laws of Mississippi and Louisiana was incapable of receiving such bequest; and because such bequest contained a *fedei-commissum* and a substitution prohibited by law; and because such bequest attempts to create and establish a perpetuity contrary to law, and claim that all such other legacies are null and void; charging illegal, void, and fraudulent action upon the part of Charles Carpenter and said Dennis, praying that said Carpenter and said Dennis be cited to answer the same, and that "curators ad hoc" be appointed to represent said church, and the absent heirs of said testatrix; and that the said bequests in said will contained may be declared null and void, except the one made to John A. Klein, and that the said petitioners, defendants herein aforesaid, to be put into possession of such succession, and for relief in the premises.

That citations issued and were served upon the said Carpenter and Dennis, and by agreement said suit was continued to the Septem-
17 ber term of said court, all of which will more fully appear unto your honors by reference to a duly-certified copy of said suit and said proceeding, herewith filed as part hereof, marked "Exhibit F," and prayed to be taken as part of this bill; and that your orators in their said corporate name answered the said petition by their attorney as well as they were able to do, as appears by a copy of the same, herewith filed, and marked "Exhibit ."

Your orators now further show unto your honors that said other defendants, the said Richard H. Groves, Edward S. Groves, Annie E. Groves, with her husband, Henry Johnson; Robert D. Groves, Eldridge D. Groves, Charles Churchill, guardian of said minor defendant Charles Churchill; William S. Groves, Robert E. Rivers, and said Annie Rivers, filed their petition in the 13th district court of said State of Louisiana in and for said parish of Madison, claiming to be the only heirs at law of George W. Groves, deceased, who was the husband of said testatrix, and, as his heirs, are entitled to receive all the estate belonging to him at his decease, claiming that at the time of his
18 decease *that* the succession and property so bequeathed by the said testatrix was in fact the property and estate of said George W. Groves; and that the will of said testatrix was null and void and

conveyed no rights or title whatever to any of the legatees therein named, but that the said will should be declared null & void; and that said petitioners last named should be placed in possession of such succession; all of which will more fully appear to your honors by reference to a duly certified copy of said petition, filed as part hereof, and marked "Exhibit G," as well as all the proceedings had thereon subsequent to the filing of the same.

Your orators now show unto your honors that the character, objects, and nature of said last two mentioned suits so instituted by the said defendants, as herein respectively set forth, are plainly, purpos'ly, and manifestly the same, to wit, the destruction of said last will and testament of said testatrix, and all the right, interest, and estate of said Baptist church thereby and therein acquired.

That there are, therefore, a multiplicity of suits depending and
19 overhanging the same issues and questions, and all and each of them directly, positively, and unquestionably affecting the interests, rights, and equities of your orators as trustees aforesaid.

That the expense attendant upon so much litigation with so many different parties claimant of the same interests, and all opposed to the interests of said church, is burdensome and oppressive unto your orators, and they are unwilling and unable to enter into controversies and litigations which may exhaust all the succession; and, in order to prevent such multiplicity of vexatious, annoying, and expensive suits in securing their equitable rights, as herein exhibited unto your honors, your orators are advised, informed, and believe that a court of equity will interfere in their behalf, and that this honorable court will take jurisdiction of all the matters and things affecting the equities of your orators in the premises.

Besides this, your orators now show unto your honors that full,
20 perfect, and adequate relief cannot be granted in the premises without the full view and consideration by your honors of all the questions now presented by said suits and litigations; and that unless your honors entertain jurisdiction of the whole subject-matter of the succession and of all suits and litigations affecting it, a full and perfect decree settling all the rights and equities of all parties cannot be made and entered upon.

Your orators also show respectfully unto your honors that by reason of local prejudice existing against such church and against your orators, as they are informed and believe, in the said parish of Madison, State of Louisiana, where said suits are brought, your orators and said church cannot obtain justice, and they are advised that it is almost useless and unnecessary for them to attempt to defend their said interests and rights before such State court.

Your orators show unto your honors that they are advised, informed, and believe that said last will and testament of said testatrix is in all respects valid and legal, and contains no illegal and
21 void bequests; that it is clothed with all the due formalities required by law; it is true, not artificially drawn and perhaps wanting in grammatical form, perhaps some of the words misspelled, with *or* minor and unimportant inaccuracies, but it presents to the mind of the court clearness and certainty as to the true intent and meaning of the testatrix; that it designates with sufficient certainty to whom the testatrix intended said bequests should go, and who should receive the same; that it contains nothing in conflict with either the laws of the States of Mississippi and Louisiana, or of the United States, and nothing inequitable and in derogation of the rules of equity of the civil or common law; that

the purposes and objects of the testatrix, so far as known to your orators, were the great, good, and noble objects of providing for the good of her fellow-men, and of her relations and friends as far as her means would allow, and that it is peculiarly within the jurisdiction of this honorable court to apply the rules of sound and just interpretation to
22 the will in question; that the defendants herein pretend that said will is void, illegal, and against public policy; that said church cannot take the bequest so made to it; that said will will be prohibited from execution by the laws of Mississippi and Louisiana, whereas in truth and in fact your orators are advised, informed, and believe the very contrary to be the truth, and that said testatrix intended to make said bequest to said Baptist church, who can legally and lawfully take the same; and that, therefore, to fully determine all these questions, to settle all the conflicting interests now pending between so many and various parties arising out of the same subject-matter precisely, so that one decree can and must determine all in the settlement of but one suit, your orators claim the interposition of this honorable court; that your orators' rights are equitable rights arising out of the ascertainment of the intention of the testatrix by a court of equity, w'ether the same be legal, void, or not, and to prevent fraud, multiplicity of suits, annoying and expensive litigation, to secure justice to your orators, and
23 to determine the rights of all parties in interest, your orators claim the full interposition of this honorable court of equity.

Your orators are therefore advised, informed, and believe that said executor Charles Carpenter should now fully account to this honorable court for all his acts & doings, and a true and perfect account to this honorable court render, as well of receipts and expenditures as of all such succession which has come into his hands, real and personal, and payments by him made, and to whom made; and that he should, in accounting, be required to pay into court the amount due by him; and in default thereof that this honorable court will render a decree against him for the same, and compel him to render such account and make payment into court, by process as for a contempt, of all amounts due by him, or held in his hands, belonging to or in any manner due to said succession.

And your orators are advised that all the claims against said succession, w'ether by suit or otherwise, should be referred to a mas-
24 ter in chancery for proof, exhibit, and allowance, and report to this honorable court; and that said master should give notice of the same by publication for such period as may be necessary, in some newspaper of general circulation, published in the city of New Orleans, or elsewhere, as your honors may direct, requiring all creditors of said succession to be and appear before him, said master, and prove their debts by a certain day to be named in said notice, or in default thereof to be forever barred; and that said master should report to this court; and that all the creditors of said estate who have proven their claims to the satisfaction of said master, wherein the same may be upon his report, confirmed by the court, be allowed payment for the same; and that such creditors may be allowed the benefit of the decree to be herein rendered.

That your orators are advised that the said defendants John A. Klein, of Vicksburg, Mississippi; Grove Stansbury, a minor, a citizen of the State of Louisiana; Emma Purvis, Tobias Smith, Seazer
25 Hays, and Malinda B. Carpenter, citizens of the State of Louisiana, are legatees, and interested in the legacies named in said

will, and are proper parties to this bill, in tender consideration of the premises, as your orators are wholly without relief save in this honorable court, where such matters are peculiarly cognizant and relievable. Your orators pray that said Charles Carpenter, Elias S. Dennis, Julia Trezevant, George Trezevant, and the minors Celia and Rachel Groves, Mary Stout, and Thomas C. Stubblefield, Bettie Clemens, Sherard Clemens, and the minor children of said Bettie Clemens, to wit, Rachel L. Groves and Catherine B. Groves, Richard H. Grove, Edward S. Grove, Annie E. Grove, Johnson and Henry Johnson, Robert D. Grove, Eldridge D. Grove, Charles Churchill, and the minor Charles Churchill, William S. Grove, Robert E. Rivers, and Annie Rivers, John A. Klein, and the minor Grove Stansbury, Emma Purvis, Tobias Smith, Seazer Hays, and Malinda B. Carpenter, and her husband Charles Carpenter, may be made parties defendant to this bill, by due process as to the said resident citizens of the State of Louisiana, by subpœna in chancery, and
26 as to said non-residents of the State of Louisiana, by the appointment of curators ad hoc and citation according to the act of Congress in such case made and provided, and that said defendants be required to answer same.

And your orators pray that said executor, Charles Carpenter, shall come into court here and render a fair, full, and true account of all his acts and doings as executor aforesaid, and of all the property and estate of said succession which has come into his hands, and of all debts due by said testatrix, and of all rents, issues, and profits by him received, and to be hereafter received, and from whom.

And your orators pray that said executor be decreed to pay into court here all amounts by him received and now in his hands, and in default thereof that a decree be entered compelling said executor to pay the the same, to be enforced by process as for a contempt.

And your orators pray for the appointment of a master in chan-
27 cery, to whom all claims against estate shall be referred for proper proof thereof, and that said master be required to give notice by publication for the space of thirty (30) days, in some newspaper published in the city of New Orleans, or elsewhere as your honors may direct, to all creditors of said estate to appear before said master at a place and by a certain day to be named in said notice, and prove their said claims, and that, in default thereof, the said claims be forever barred; and that said master make due report of all his acts and doings to this honorable court, to be confirmed by the court; and that all creditors and others claiming to *to* be creditors, who shall appear and prove their claims, and whose claims shall be found by this court, upon the report of said master, to be just and true, may be entitled to the benefits of the decree herein, upon paying their pro-rata share of all fees and costs to be taxed.

And your orators pray for the appointment of a receiver herein, to take immediate possession of all the property, real and personal,
28 belonging to said succession, wheresoever the same may be found, and that said receiver shall hold all said property until discharged by the order of this honorable court.

And your orators pray that a decree be entered for the payment of all those claims which your honors shall find to constitute just and valid debts against said succession; and that all others be rejected.

And your orators pray, after the payment of such valid debts of said succession, that your honors will cause a decree to be entered, decreeing the validity of the will of said testatrix; and after the payment of all just debts due and found due by the court from the succession, order-

ing said receiver to place your orators in full possession of the estate bequeathed therein by said testatrix to said church, as well, also, as the payment of all the legacies named in the will, and will arrange by said decree for the full, perfect, and final administration of such succession, without delay, cost, expense, and litigation.

29 Your orators pray for the immediate removal of said Charles Carpenter from the possession of said property of said succession, or any part thereof.

And your orators pray that the most gracious writ of injunction issue, enjoining, restraining, and prohibiting each and all of said defendants, their agents, attorneys, and curators ad hoc, and all and every person employed by them thereon, from any further suit, proceedings, or litigations in any manner whatsoever affecting said succession or the interests of said church, or your orators as trustees thereof, in and to said succession, and from in any manner interfering with said succession or any property or estate thereof, until the further order of your honors had hereon especially in the conducting and further prosecuting said suits, until the further order of this honorable court had hereon; and your orators pray that said injunction may be made perpetual by the final decree of this honorable court, and your orators secured in all their rights hereon.

30 And in order that your honors may be able to give full and perfect remedy in the premises, so that the final decree to be rendered*ender*ed in the premises may set at rest all such multiplicity of suits and vexatious litigations, your orators pray your honors to take all such orders and decree as will be necessary, right, and proper to bring this cause and all its merits fully before your honors, so that should your orators have in any respect imperfectly presented the same, your orators may, by way of amendment or otherwise, be permitted to present the whole cause and all its merits to the court.

And that your orators may have such other and further relief as the nature of their case may require and to your honors may seem fit and just.

And your orators pray that after service of process herein upon said minors and curators ad hoc appointed and cited, that your honors will, whenever necessary, appoint guardians ad litem to represent said minors therein.

31 May it please your honors to grant unto your orators the most gracious writ of subpœna of the United States, directed to the said Charles Carpenter, Elias S. Dennis, Julia Trezevant, George Trezevant, Celia and Ann Groves, Mary Stout Stubblefield and Thomas C. Stubblefield, the minor Grove Stansbury, and Emma Purvis, Tobias Smith, Seazer Hays, and Malinda B. Carpenter, and that curators ad hoc may be appointed and cited to represent the absent defendants Bettie Clemens, Sherard Clemens, and the minors, Rachel L. Groves and Catherine B. Groves, Richard H. Groves, Edward S. Groves, Annie E. Groves, Johnson and Henry Johnson, Robert D. Groves, Eldridge D. Groves, Charles Churchill, and the minor Charles Churchill, William S. Groves, Robert E. Rivers, and Annie Rivers and John A. Klein; commanding them to be and appear, etc., and to abide the decree of the court herein; and, as in duty bound, will ever pray, etc.

HARRIS & HARRIS,
F. F. MONTGOMERY,
BILLINGS & HUGHES,
Solicitors for Complainants.

32 THE UNITED STATES OF AMERICA :
Southern District of Mississippi :

Personally appeared before me, the undersigned, a commissioner of the United States for the southern district of Mississippi, Thomas J. Hanes, who made oath that the facts stated in the foregoing bill are true where stated of direct knowledge of the complainants, and where stated on information and belief he believes the same to be true as stated.

THOS. J. HANES, *Trustee.*

Sworn to and subscribed before me this 11th day of September, A. D. 1872.

E. E. HUNT.
U. S. C., South'n Dist. of Miss.

Exhibits.—Filed September 17th, 1872.

EXHIBITS A, C, D, & E.

STATE OF LOUISIANA,
Parish of Madison :

SUCCESSION OF CELIA A. GROVE. } Parish court.

33 It is ordered (ex-officio) that an order issue, directed to A. V. Brown, recorder of the parish of Madison, ordering and authorizing him to place seals on the effects of the succession of Celia A. Groves, lately deceased, in this parish, and make due return according to law. C. C., 1073; 5, 7, 9, 10, and 2; 1083, 4, 5, 6, and 1087.

Done and signed at chambers, on this the 16th day of February, 1872.

ISAAC H. CRAWFORD,
Parish Judge.

(Endorsed:) No. 187. Suc'ession of Celia A. Groves. Order to affix seals. Filed February 16th, 1872.

S. S. PRENTISS DANGERFIELD, *Clerk.*

Commission to affix seals.

STATE OF LOUISIANA,
Parish of Madison:

SUCCESSION OF CELIA A. GROVE, DECEASED. } No. . Parish court.

The State of Louisiana and said court to Alexander V. Brown, recorder and ex-officio notary public in and for said parish and State, greeting:

34 In pursuance of an order that issued from the honorable Isaac H. Crawford, parish judge in and for said parish, dated at chambers, the 16th day of February, A. D. 1872, you are hereby commissioned and required to proceed to the late residence of Celia A. Groves, deceased, and place seals on all of the effects belonging to the succession,

and of your doing in the premises make due return thereof according to law. Herein fail not.

Witness the honorable Isaac H. Crawford, judge of said court, and the seal of said court, this 16th day of February, A. D. 1872.

[L. S.] S. S. PRENTISS DANGERFIELD,
Clerk of the District Court.

Process verbal.

STATE OF LOUISIANA,
Parish of Madison:

Be it known and remembered, that on this the 16th day of February, A. D. 1872, in pursuance of an order that issued from the honorable the parish court of said parish and State, I, Alexander V. Brown, recorder and ex-officio notary public, in for said parish and State, proceeded to the house where the late Celia A. Grove resided, and
35 in the presence of two witnesses of the neighborhood, hereinafter named and undersigned, I affixed seals on the following articles and effects, belonging to the succession of Celia A. Grove, late deceased, to wit: On two (2) trunks and one (1) bonnet-box, which were left in the left-hand front room, known as the parlor, and after placing seals on the windows, said trunks, together with the other articles in said room, were locked up, and a seal placed on the door. I also sealed one trunk in a front room on the left of the hall up stairs; sealed the window in said room; locked and sealed the door. I also placed seals on all of the windows and doors up stairs, with the exception of one, which was left open for the use of persons in the house. I also sealed one armoir, the drawers of one bureau, (four in number,) and one book-case, placing a seal on the lower drawer, in the right-hand front room down stairs, opposite the parlor. I also sealed all of the large drawers of the bureau in the room lately occupied as a bed-room by the late
36 Celia A. Grove; also on one armoir in the same room. The two last-mentioned rooms were left open for the use of persons in the house. I also sealed the windows and doors of all the rooms up stairs, except one left open for the use of an occupant of the house. I also placed seals on one (1) armoir in the back-room down stairs, opposite the bed-room of the deceased. The following articles were left in the rooms open for use of the persons in the house, to wit: Four bedsteads, with bedding thereon; one lounge, with bedding; three washstands, with pitchers and bowls; one clock; one lot of vases and shades, (mantle ornaments;) thirteen chairs; one bureau; one table; one sideboard; one lot of crockery-ware; one stove and utensils, and kitchen furniture.

And after administering an oath to Alex. Y. Nolley, domiciliated in the place, and whom I have appointed guardian of said seals, effects, and property, I close this process verbal on the day and date first above mentioned, in the presence of George W. Nichols and S. S. Prentiss Dangerfield, two witnesses of lawful age, residing in said parish and State.

37 The words "notary public" interlined between seventh and eighth lines of first page before signing.

A. V. BROWN, *Recorder.*

Witnesses:
G. W. NICHOLS.
S. S. PRENTISS DANGERFIELD.

STATE OF LOUISIANA,
Parish of Madison:

I, Alex. Y. Nolley, do solemnly swear that I will faithfully discharge the trust reposed in me by my appointment of guardian of the seals, effects, and property of the succession of Celia A. Grove, deceased; so help me God.

(Signed) A. Y. NOLLEY.

Sworn to and subscribed before me this 16th day of February, A. D. 1872.

A. V. BROWN, *Recorder.*

(Endorsed:) No. 187. Succession of Celia A. Grove, deceased. Commission to affix seals and process verbal. Filed February 19th, 1872. S. S. Prentiss Dangerfield, clerk. A. V. Brown, recorder. Fee, $10.

38 *Petition for administration.*

To the honorable the judge of the parish court in and for the parish of Madison, State of Louisiana:

The petition of Mrs. Malinda B. Carpenter, and of her husband, Charles Carpenter, both residents of the parish of Richland, with due respect, shows that Mrs. Celia A. Grove, late of your said parish of Madison, departed this life in February, 1872, leaving a considerable property therein, and that an administrator to the same is necessary.

Your petitioner, Malinda Carpenter, avers that she is one of the legal heirs to the estate of Celia A. Grove, and the only one of age in the State of Louisiana; that there are absent heirs, as petitioner is informed.

Wherefore petitioner prays that the seals which have been affixed on the effects of said estate be raised, that an inventory of the same be made, and after all the legal delays and formalities of law they be appointed co-administrators of the same upon qualifying according
39 to law. They pray also for all further orders and decree that may be necessary, and for general relief.

(Signed) WELLS & RAINY, *Attorneys.*

Order.

Let this application for the administration be filed, and due notice given by publication made according to law; and that there be an order directed to A. N. Brown, recorder, authorizing him to make an inventory and cause an appraisement to be made of all the effects found in Madison Parish belonging to the succession of the deceased Celia A. Grove.

Done and signed at chambers on this 19th of February, 1872.

(Signed) ISAAC H. CRAWFORD,
Parish Judge.

Order.

It is further ordered that J. Tyson Lane, esqr., attorney at law, be appointed counsel for absent heirs, and that he be notified of his appointment.

Done and signed at chambers on this 19th day of February, 1872.

40 (Signed) ISAAC H. CRAWFORD,
Parish Judge.

I accept the foregoing appointment, and waive notice thereof.
(Signed) J. TYSON LANE.

(Endorsed:) No. 187. Succession of Celia A. Grove. Application for letters of administration. Filed February 19th, 1872. Chas. A. Bruton, deputy clerk. W. & R., attorneys.

Notice.

STATE OF LOUISIANA,
Parish of Madison:

Thirteenth district court, clk's office.

SUCCESSION OF CELIA A. GROVE, deceased.

Mrs. Malinda B. Carpenter and her husband have presented a petition to said court praying for the administration of said succession, and all persons are required to show cause, if any they have, within ten days from the date hereof why the prayer of the petitioners should not be granted.

Witness the signature of the clerk and the seal of said court this 20th day of February, A. D. 1872.
(Signed) S. S. PRENTISS DANGERFIELD, *Clerk.*

41 (Endorsed:) 187 . State of Louisiana, parish of Madison. Thirteenth district court. Clerk's office.

I hereby certify that this notice was posted at the court-house door for more than ten clear days.

Witness my signature and the seal of said court this 4th day of March, A. D. 1872.
[SEAL.] (Signed) CHAS. R. BRUTON,
Depty. Clk. of said Court.

Filed March 4th, 1872.
(Signed) CHAS. R. BRUTON,
Deputy Clerk.

Commission to make inventory, and inventory.

STATE OF LOUISIANA, *Parish of Madison:*

SUCCESSION OF CELIA A. GROVE. Parish court.

To A. V. Brown, recorder of said parish, greeting:

By virtue of an order of the honorable Isaac H. Crawford, judge of said court, made on the 19th day of February, A. D. 1872, you are hereby commissioned to make an inventory and appraisement of the property and effects of the succession of Celia A. Grove, in said parish, and to raise the seals that have been affixed.

42 And of your proceedings in the premises make due return according to law. Herein fail not.

Witness my signature and the seal of said court this 20th day of February, A. D. 1872.
(Signed) S. S. PRENTISS DANGERFIELD,
Clerk of District Court.

Inventory.

STATE OF LOUISIANA, *Parish of Madison:*

I, Alexander V. Brown, recorder in and for said parish, do hereby appoint Elias S. Dennis and James J. Dundas, residents in this parish and of full age, appraisers to appraise and estimate the value of the property and effects of the succession of Mrs. Celia A. Grove.

(Signed) A. V. BROWN, *Recorder.*

FEBRUARY 20TH, 1872.

STATE OF LOUISIANA, *Parish of Madison:*

I do solemnly swear that I will well and truly appraise and justly estimate the value of the property of the succession of Mrs. Celia
43 A. Groves, to the best of my knowledge and understanding; so help me God.

(Signed) ELIAS S. DENNIS.
(") JAMES J. DUNDAS.

Sworn to and subscribed before me this 20th day of February, A. D. 1872.

(Signed) A. V. BROWN, *Recorder.*

STATE OF LOUISIANA, *Parish of Madison:*

Be it remembered that on this 20th day of February, A. D. 1872, by virtue of a commission to me directed from the honorable the parish court for said State and parish, of date said 20th February, A. D. 1872, I, Alexander V. Brown, recorder and ex-officio notary public in and for said State and parish, duly commissioned and qualified, after first appointing Elias S. Dennis and James J. Dundas appraisers, and administering to them the foregoing oath, and raising the seals that had been affixed, the same being found intact, I proceeded to make an inventory and appraisement of the property and effects of the succession of
44 Celia A. Grove, in this parish, assisted herein by said appraisers; and the following is a true and correct list of said property and effects, with the appraisement thereof:

First. The Willow Glen Plantation, consisting of lots (6) six and (7) seven and west (½) half of lot (8,) eight, township No. (16) sixteen north, range No. (15) fifteen east, and lot (30,) thirty, township (15) fifteen north, range (15) fifteen east, and containing in the aggregate (600) six hundred acres, more or less, appraised at ($40) forty dollars per acre, and in the aggregate the sum of ($24,000) twenty-four thousand dollars	$24,000 00
Second. One mule, appraised at one hundred and twenty-five dollars	125 00
One horse, appraised at two hundred dollars	200 00
Twelve (12) head of cattle, appraised at two hundred and forty dollars	240 00
Five (5) head of sheep, appraised at fifteen dollars	15 00
Two (2) Chester white hogs, appraised at fifty dollars	50 00
Eleven (11) hogs, common stock, appraised at fifty-five dollars	55 00
One (1) lot of poultry, appraised at twelve dollars	12 00
Total	24,697 00

45	Third. (1) one buggy and harness, appraised at two hundred dollars	200 00
	(1) one wagon, appraised at ten dollars	10 00
	(1) one cart, appraised at ten dollars	10 00
	(2) two plows, appraised at eight dollars	8 00
	(1) one lot of iron chains, plow-gear, etc., appraised at thirty dollars	30 00
	(2,500) twenty-five hundred feet lumber, appraised at fifty dollars	50 00
	(1) one lot of bricks, appraised at twenty-five dollars	25 00
	(3) three hives of bees, appraised at fifteen dollars	15 00
	(2) two pair scales, appraised at seven dollars	7 00
	(1) one piano and stool, appraised at two hundred & fifty dollars	250 00
	(1) one set (6) parlor chairs, appraised at twenty-four dollars	24 00
	(2) two settees, appraised at twenty-five dollars	25 00
	(2) two ottomans, appraised at ten dollars	10 00
	(1) one center table, appraised at twenty dollars	20 00
	(1) side-table, appraised at ten dollars	10 00
	(3) three portaits and frames, appraised at thirty dollars	30 00
	(4) four curtains and fixtures, appraised at sixty dollars	60 00
	(1) one carpet, appraised at seventy-five dollars	75 00
46	(2) two vases and flower-s'and, appraised at ten dollars	10 00
	(1) one piano-cover, appraised at five dollars	5 00
	(1) one lot music-books and music, appraised at twenty dollars	20 00
	($39.55) thirty-nine dollars and fifty-five cents, (specie,) appraised at forty-three dollars and fifty cents	43 50
	(1) one trunk and contents, (clothing,) appraised at one hundred dollars	100 00
	(1) one trunk with clothing, appraised at fifty dollars	50 00
	(1) one hat-box, appraised at two dollars and fifty cents	2 50
	(1) one hat-rack, appraised at ten dollars	10 00
	(1) one floor oil-cloth, appraised at forty dollars	40 00
	(1) one wardrobe, appraised at thirty-five dollars	35 00
	Contents of same, (bedding, etc.,) appraised at twenty-five dollars	25 00
	(1) one bureau, appraised at	10 00
	(1) one bedstead, appraised at thirty-five dollars	35 00
	Bed and bedding of same, appraised at fifty dollars	50 00
	(1) one book-case, appraised at fifty dollars	50 00
	(2) two vases, appraised at ten dollars	10 00
47	(1) one washstand, appraised at ten dollars	10 00
	Floor-matting, appraised at ten dollars	10 00
	(1) one library of books, appraised at twenty-five dollars	25 00
	(2) two rocking-chairs, appraised at ten dollars	10 00
	(2) two pitchers & bowls, appraised at five dollars	5 00
	(1) one bedstead, appraised at twenty-five dollars	25 00
	Bed & bedding on same, appraised at fifty dollars	50 00
	(1) one bureau, appraised at twenty-five dollars	25 00
	(1) one washstand, appraised at ten dollars	10 00
	(1) carpet, appraised at thirty dollars	30 00
	(1) one wardrobe, appraised at thirty dollars	30 00

	Contents of same, (clothing, &c.,) appraised at twenty-five dollars	25 00
	(1) one-half dozen chairs, appraised at ten dollars	10 00
	(1) one sideboard, appraised at ten dollars	10 00
	(2) two tables, appraised at five dollars	5 00
	(1) one carpet and (1) one oil-cloth, appraised at twenty-five dollars	25 00
48	(1) one lot table-ware, appraised at (10) ten dollars	10 00
	(6) six chairs, appraised at ten dollars	10 00
	(6) six chairs, appraised at seven dollars	7 00
	(1) one bedstead, appraised at thirty-five dollars	35 00
	Bed and bedding on same, appraised at fifty dollars	50 00
	(1) one washstand, appraised at fifteen dollars	15 00
	(1) one bureau and glass, appraised at thirty dollars	30 00
	(1) one wardrobe and contents, appraised at fifty dollars	50 00
	(1) one bowl & pitcher, appraised at four dollars	4 00
	(1) one pair window-shades, appraised at five dollars	5 00
	(1) one hall-lamp, appraised at five dollars	5 00
	Total	$26,588 00

And we not being able to complete this inventory on the same day, the same was former'ly adjourned till 9 o'clock a. m. on the 21st February, A. D. 1872, when this said inventory was resumed as follows, to wit:

49	(1) one lounge, and bedding, appraised at twenty-five dollars	25 00
	(1) one stove and fixtures, appraised at fifty dollars	50 00
	(2) two geranium and pots, appraised at five dollars	5 00
	(1) one stair-carpet, appraised at ten dollars	10 00
	(1) one bedstead and mattress, appraised at five dollars	5 00
	(1) one trunk and contents, appraised at ten dollars	10 00
	(1) one lounge, mattress and bedding, appraised at five dollars	5 00
	Currency, appraised at fifteen dollars	15 00
	(1) one gold watch, chain, and breast-pin, appraised at three hundred dollars	300 00
	(1) one diamond ring, appraised at three hundred dollars	300 00
	(1) one diamond ring, appraised at two hundred dollars	200 00
	(1) one note of Maria & Wash. Hubbard, ($50.00,) appraised at forty-five dollars	45 00
	(1) one note, Aaron R. Cage, ($20.00,) appraised at ten dollars	10 00
	Total	$27,568 00

And the two notes inventoried I, recorder, paraphed "Ne varie-
50 tur," and marked "A and B," and of the valuable papers I made a package and numbered said papers from 1 to 27, inclusive, and of other papers not important I made anothe' package and not numbered.

And it was understood that said succession had credits and valuable papers deposited with John A. Klein, esq., Vicksburg, Miss.; but value and nature thereof not being exactly known, the same was not susceptible of appraisement herein; and having finished said inventory and appraisement, the total amount of which is twenty-seven thousand five hundred and sixty-eight dollars, I have closed the same in the presence of John O. Bradfield and Alfred Bailey, competent witnesses,

of lawful age, domiciliated in said parish, who sign hereto with said appraisers, the counsel of absent heirs, J. Tyson Lane, and me, recorder, after due reading hereof, the words, "chains, plow-gear, &c.," being interlined before signing; and the word "found;" and also the words "and marked A & B."

This done and signed, as aforesaid, this 21st day of February, A. D. 1872.

(Signed) ELIAS S. DENNIS,
(") JAMES J. DUNDAS,
Appraisers.

JOHN O. BRADFIELD,
his
ALBERT + BAILEY,
mark.
Witnesses.

51 A. V. BROWN,
Recorder.

Present and assisting:
J. TYSON LANE,
Counsel of absent heirs.

(Endorsed:) No. 187. Succession of Celia A. Grove. Commission to make inventory and inventory. Filed February 23d, 1872. Signed S. S. Prentiss Dangerfield, clerk. Fee $50.00. To A. V. Brown, recorder.

Petition.

To the honorable Isaac H. Crawford, judge in and for the parish of Madison, State of Louisiana.

The petition of Malinda Carpenter and her husband, Charles B. Carpenter, residents of Richland Parish, in said State, with respect represents that they have made application for letters of administration of the succession of Mrs. Celia A. Grove, now open in your said parish; that petitioners are strangers in said parish, and are unable to give the necessary bond in said parish.

Wherefore, your petitioners prays that they be allowed to give
52 bond in Richland Parish, in said State. Prays for general relief, etc.

(Signed) WELLS & RAINY,
Attorneys.

Order.

It is ordered that securities received, residing in Richland Parish, on the bond of petitioners, for the administration of the succession of Celia A. Grove.

Done and signed at chambers on this the 23d day of February, 1872.

ISAAC H. CRAWFORD,
Parish Judge.

(Endorsed:) No. 187. Succession of Celia A. Grove. Filed February 23d, 1872. S. S. Prentiss Dangerfield, clerk.

Application for letters testamentary.

To the honorable Isaac H. Crawford, parish judge of the parish of Madison and State of Louisiana.

The petition of Charles Carpenter, residing in the parish of Richland and State of Louisiana, with respect represents that Mistress Celia A. Grove, late of your said parish, departed this life on the
53 day of February, A. D. 1872, leaving a last will and testament in the olographic form, wherein she nominated and constituted your petitioner her executor, granting him the seizure of her property and detainer of her estate. Said will and testament is herewith presented being hereto appended and made part hereof.

In consideration of the premises, petitioner prays that said last will and testament here presented shall be admitted to probate, after due proof of the execution of the same; that its execution and registry be ordered, and that the same be recorded. That your petitioner be recognized and confirmed as executor under said will, and that letters testamentary be issued to him, and he be placed in full possession of the property, rights, and effects of the succession of Celia A. Grove, deceased, which he prays may be duly opened according to law; and that an inventory be ordered and an appraisement had of all of said property, and a counsel of absent heirs appointed. Prays for all such other orders and decrees as the law may require or the nature of the case demand, and for general relief.

54 (Signed) E. D. FARRAR,
Of Counsel for Petitioner.

Order.

Upon reading and considering the within application for the opening and proof of the last will and testament of Celia A. Grove, deceased, it is ordered that Saturday, the 16th of March, 1872, be the day, and 10 o'clock a. m. the hour, and the court-house of the parish of Madison be the place fixed for the opening and proof of said will.

And it is further ordered that the heirs of deceased be notified to attend at the time and place designated, and that J. Tyson Lane, esq., be appointed counsel of absent heirs.

Done and signed at chambers on this 2d March, 1872.

ISAAC H. CRAWFORD,
Parish Judge.

(Endorsed:) Parish of Madison, parish court. Suc'ession of Celia A. Grove, deceased. Application of Charles Carpenter for letters testamentary, with will annexed. Filed March 2d, 1872. Signed S. S. Prentiss Dangerfield, clerk. E. D. Farrar, attorney.

55 *Will.*

Ne varietur.

ISAAC H. CRAWFORD,
Parish Judge.

JANUARY 27TH, 1872.

Be it known that I, Celia A. Grove, residing in the parish of Madison, and State of Louisiana, impressed with the uncertainty of life, and knowing the certainty of death, anxious to dispose of what property I may possess at my death, make and publish this my last will and testament.

Item 1st. I give and bequeath to the Baptist church, now in the city

of Vicksburg, my plantation on which I now live, all my land, except one hundred and fifty acres lying east of my residence. That one hundred and fifty acres I give and bequeath to John A. Klein, now in the city of Vicksburg; he to build a suitable monument to the memory of my husband, daughter, and myself; he to get all the remains of both my husband and daughter, *remains* and lay them by my side, in the city cemetery, in Vicksburg, there erect a suitable monument to our memory, with a good iron fence around the yard.

56 Item the 2nd. I give and bequeath to my sister five hundred dollars a year whilst she may live; that money comes out of the rent of the land given to the Baptist church.

I also give out of the rents of my place one thousand dollars to Grove Stansbury; this money to be put in Mr. Klein's bank, there to bring legal interest until the little child becomes of age. I desire Mr. John A. Klein to manage the child's money for him.

Item 3rd. I give and bequeath all lands I may have (ne varietur, Isaac H. Crawford, parish judge, ne varietur, Isaac H. Crawford, parish judge) aside from the plantation I now live on, to my brother-in-law, Charles Carpenter, and my niece, Emma Purvis.

Item the 4th. I desire all my furniture, pictures, bedding, drapery of all kinds to remain in my house as when living.

I desire Mr. McKernan to live in the house and manage the renting of the lands belonging to the church in Vicksburg; that is, if consistent with the interest of the church.

57 I desire a negro man, now living on my place, to have ten acres of land to cultivate, his life-time, free of rent; this man once belonged to me; his name is Tobias Smith.

I desire Gen. Dennis, who is now on my place, to have one thousand dollars, coming out of the rents, making two payments, five hundred dollars in one year and five hundred dollars the next year.

I desire Gen. Dennis to appropriate my stock as he may think best, a part for the benefit of a boy by the name of Seayer Hays; this I desire his own judgment about.

Item 5th. I desire the property given to the church to hold and not sell to any one so long as time may last.

I desire that the proceeds of my lands I have mentioned in this gift to educate young men for the ministry, and a record kept of the same.

Item 6th. I will my dear friend, Mrs. Ingalls, one diamond ring. One to my dear friend, Lucy Seal. I give my diamond watch to my dear niece, Emma Purvis. I give to my dear (ne varietur, Isaac H. Crawford, parish judge, ne varietur, Isaac H. Crawford, parish judge) niece, Emma Grove, one diamond ring.

58 Item the 7th. I hereby appoint and constitute my brother-in-law, Charles Carpenter, my universal legatee, and give to him the seizure of my estate, making him to carry out this provisions of my last will and testament.

I nominate, constitute, and appoint my brother-in-law executor, granting him the seizure of my estate for all the purposes of his trust.

This dated and signed by myself, in the parish of Madison, Louisiana, January the 27th, 1872.

(Signed) CELIA A. GROVE.

Ne varietur:

ISAAC H. CRAWFORD,
Parish Judge.

(Endorsed:) Will filed March 2d, 1872, S. S. Prentiss Dangerfield, clerk. "A."

Notice to heirs.

THE STATE OF LOUISIANA,
Parish of Madison:

SUCCESSION OF CELIA A. GROVES, DECEASED. } No. 187. Parish court.

To Mrs. Julia Trezevant, residing in the parish and State *of* aforesaid, tutrix of the minor children who are heirs of the succession of Celia A. Grove:

You are hereby notified that the will of Mrs. Celia A. Grove will be produced for probate and register on the 16th day of March next, 1872, at the court-house, in the town of Delta, La., at 10 o'clock in the forenoon.

59 Witness my signature and the seal of said court this 2d day of March, A. D. 1872.

[L. S.] (Signed) CHAS. R. BRUTON,
Deputy Clerk, 13th Dist. Court.

Return.

I received the within notification, together with a certified copy of the same, on the 3rd day of March, 1872, and served the same on the 6th day of the same month and year by handing said copy to Mrs. Julia Trezevant in person, near Richmond, within the parish.

Returned March 8th, 1872.

(Signed) E. M. CRAMER, *Sheriff*,
By JOHN C. FELL,
Deputy Sheriff.

(Endorsed:) No. 187. Succession of Celia A. Grove. Notification to Mrs. Julia Trezevant. Original filed March 9th, 1872. (Signed) Chas. R. Bruton, deputy clerk.

Probate of will.

STATE OF LOUISIANA,
Parish of Madison:

60 Be it remembered that on this 16th day of March, A. D. eighteen hundred and seventy-two, I, Isaac H. Crawford, parish judge of said parish, at the request of Charles Carpenter, proceeded to open and receive proof of the last will and testament of Celia A. Grove, deceased, at the court-house at Delva, in said parish of Madison, La., and thereupon personally came and appeared Elias S. Dennis and James Joseph Dundas, citizens of the parish of Madison, Louisiana, who, being first duly sworn, did depose and say that they recognize the document here presented, and marked "A," and purporting to be the last will and testament of Celia A. Grove, deceased, to be entirely written, dated, and signed in the handwriting of the said Celia A. Grove, deceased. Said witnesses declare that they have often seen her write and sign her name during her life-time. Said document bearing date the twenty-seventh day of January, A. D. eighteen hundred and seventy-two.

In testimony of all which I have caused the said witnesses to sign this affidavit on the day and date first above written.

(Signed) ELIAS S. DENNIS.
" JAMES JOSEPH DUNDAS.

61 Sworn to and subscribed before me on this 16th day of March, 1872.

(Signed) ISAAC H. CRAWFORD,
Parish Judge.

STATE OF LOUISIANA,
Parish of Madison:

Be it remembered that on the 16th day of March, A. D. eighteen hundred and seventy-two, I, Isaac H. Crawford, parish judge of said parish, at the request and on the petition of Charles Carpenter, did proceed, at the court-house, to open & receive proof of the last will and testament of Celia A. Grove, deceased, late of said parish, publicly and in presence of a number of persons present, the said testament having been handed to me, with the petition of the said Charles Carpenter, by E. D. Farrar, attorney-at-law.

Whereupon personally came and appeared Elias S. Dennis and James Joseph Dundas, witnesses of full age, and citizens of the parish of Madison, La., who, being duly sworn, did depose and declare as above stated.

Then I read the will in an audible and distinct voice to the witnesses and others present, and signed the same ne varietur at the be-
62 ginning and end of each page thereof, as prescribed by law, and I hereby order the execution and recording of said will, and that the same be deposited among the archives of the parish of Madison, under the custody of the clerk; and it is further ordered that Charles Carpenter be recognized as executor under said will, and that letters testamentary do issue to him according to law.

Done and signed at the time and place above written and on the date above written this 16th March, A. D. 1872.

(Signed) ISAAC H. CRAWFORD,
Parish Judge.

(Endorsed:) No. 187. Succession of Celia A. Grove. Probate of will, filed March 16th, 1872. (Signed) Chas. R. Bruton, deputy clerk.

Executor's oath.

STATE OF LOUISIANA,
Parish of Madison:

I, Charles Carpenter, do solemnly swear that I will well and faithfully discharge the trust reposed in me by my appointment as executor of the last will and testament of the succession of Celia A. Grove, deceased, to the best of my knowledge and understanding agreeable to law. So help me God.

(Signed) C. CARPENTER.

63 Signed and sworn to before me this 16th day of March, A. D. 1872.

(Signed) ISAAC H. CRAWFORD,
Parish Judge.

Letters of executorship.

STATE OF LOUISIANA,
Parish of Madison:

Parish court, clerk's office.

SUCCESSION OF
CELIA A. GROVE.

Whereas, by an order by the judge of said court, on the sixteenth day of March, A. D. 1872, Charles Carpenter was appointed executor of said succession, and has taken the oath prescribed by law:

Now, therefore, be it known by these letters that the said Charles Carpenter is duly appointed, authorized, and empowered to do and perform all and singular the acts and duties incident upon said appointment.

Witness the signature of the clerk and the official seal of said court this 16th day of March, A. D. 1872.

[SEAL.] (Signed) S. S. PRENTISS DANGERFIELD, *Clerk*,
(Signed) By CHAS. R. BRUTON, *Deputy Clerk*.

64 (Endorsed:) Succession of Celia A. Grove, filed March 18th, 1872. Chas. R. Bruton, deputy clerk.

Letters testamentary.

STATE OF LOUISIANA, } Parish court.
Parish of Madison. }

SUCCESSION OF }
CELIA A. GROVE. }

Whereas by an order made by the judge of said court, on the sixteenth day of March, A. D. 1872, Charles Carpenter was appointed executor of said succession, and has taken the oath prescribed by law:

Now, therefore, be it known by these letters, that the said Charles Carpenter is duly appointed, authorized, and empowered to do and perform all and singular the acts and duties incident upon said appointment.

Witness the signature of the judge and seal of said court this 16th day of March, A. D. 1872.

[SEAL.] (Signed) ISAAC H. CRAWFORD,
Parish Judge.

Attest: CHAS. R. BRUTON,
Deputy Clerk.

(Endorsed:) 187. Succession of Celia A. Grove, deceased. Original filed March 18th, 1872.

65 (Signed) CHAS. R. BRUTON, *Deputy Clerk.*

STATE OF LOUISIANA,
Parish of Madison:

Thirteenth district court, clerk's office.

I, S. S. Prentiss Dangerfield, clerk of said court, performing the clerical duties in and for the parish court of said parish and State, do hereby

certify that the foregoing twenty-seven pages and eight lines contains a true and correct transcript of all documents filed and all proceedings had in the succession of Celia A. Grove, deceased, as full and complete as the same now remains of record and on file in my office.

Witness my signature and the seal of said court this 30th day of July, A. D. 1872.

[SEAL.] (Signed) S. S. PRENTISS DANGERFIELD,
Clerk of said Court.

EXHIBIT F.

MARY STOUT ET AL.
vs.
CHAS. CARPENTER, EX., ET ALS. } No. 358.

Transcript.

To the honorable the parish court of the State of Louisiana in and for the parish of Madison:

66 The petition of Mary Stout, wife of Thomas C. Stubblefield, who appears herein to aid and authorize his said wife, both residents in the parish of Franklin in said State, and of Julia Trezevant who sues herein as the mother and natural tutrix of her minor children, Celia and Rachel Grove, and of Geo. T. Trezevant, her husband, who herein joins to aid, authorize, and assist his said wife, and both residents in said parish of Madison and State; and of Bettie Clemens, who sues herein as the guardian of her minor children, Rachel L. and Catherine B. Grove, and of Sherard Clemens, her husband, who herein joins to aid, authorize, and assist his said wife, both residents of the State of Virginia, respectfully represents that they are the only hiers of the succession of Celia A. Grove, who lately departed this life in said parish of Madison.

That your petitioner, Mary Stout, is the only descendant of Thomas L. King, a brother of the whole blood of Celia A. Grove; that said minors Celia and Rachel Grove, children of said Julia Trezevant, are grandchildren of Moses Grove, brother of the half blood to said Celia A. Grove, and only children of the late Elijah Grove, son of said
67 Moses Grove; that said minors, Rachel L. and Catherine B. Grove, children of said Bettie Clemens, are grandchildren of said Moses Grove, brother of the half blood to said Celia A. Grove, and only children of the late Horace Grove, son of said Moses Grove; further represent that said Celia A. Grove, on the 27th day of January, A. D. 1872, made and executed a will or testament in the olagraphic form, and which was admitted to probate on the 16th day of March, A. D. 1872, in said parish; further represents that by said will the said Celia A. Grove pretended to bequeath to "the Baptist church, in the city of Vicksburg," all her plantation on which she lived, except one hundred and fifty acres thereof bequeathed to John A. Klein, said plantation being described as the Willow Glen Plantation, consisting of lots (6 and 7) six and seven, and west half of lot (8) eight, in township (16) sixteen north, of range (15) fifteen east; and lot (30) thirty, in township (15) fifteen north, of range (15) fifteen east, and containing in the aggregate (600) six hundred acres, more or less, being well worth the sum of twenty-four thou-
68 sand dollars; that by said will said Celia A. Grove further pretended to give to her sister, Lucinda Carpenter, who is the wife of Charles Carpenter, the sum of five hundred dollars a year during her life;

that said Celia A. Grove, by said will, further pretended to give one thousand dollars to Grove Stanbury, a minor, whose residence is to petitioner unknown, and who has no tutor to the knowledge of petitioner; and further pretended by said will to give to Gen. Elias Dennis, resident in said parish of Madison, the sum of one thousand dollars; further represents that all said legacies consisting of money were by the terms of said will to be paid out of the revenues of the land pretended to be given or bequeathed to said "Baptist church." Now, your petitioner' aver that the said legacy to said "Baptist church" is null and void, on the grounds and for the reasons, to wit:

1st. Because at the time of the death of said Celia A. Grove there existed no such person or corporation as the "the Baptist church in Vicksburg."

2nd. By reason of uncertainty, there being at said time more than one religious organization call' "the Baptist church in Vicksburg."

69 3rd. Because, even if there existed such a corporation as said "Baptist church," such corporation is by the law of Mississippi and of Louisiana incapable of receiving said pretended legacy, or holding the same.

4th. That said pretended bequest contains a fidei commissum and a substitution prohibited by law.

5th. That said pretended bequest assumes to create a tenure of property not recognized by contrary to the law of this State, by establishing a perpetuity of ownership;

Further aver that all the other of saidl egacies are null and void, because they grow out of and are necessary to aid defendant upon the legacy to said "Baptist church," (and because said bequest' involved the impossible condition that the said lands must be rented for an indefinite period of time.)

They further represent that the pretended donation in said will of all the stock of the deceased is null and void, for the reason that it was not given absolutely to any one, but, if the same were given to Gen. Dennis, it was given to him in trust, and is therefore void as a fidei commissum.

They further aver that the said Dennis has, since the probate

70 of said will, appeared in your honorable court, and without opposition from the executor, and without notice to the heirs present or counsel for absent heirs, and obtained an order putting him in possession of said stock, and that he has sold the same, worth the sum of one thousand dollars, and appropriated the money to his own use, and justly owes your petitioner therefor. They further aver that said Celia A. Grove, subsequent to the date of said will, collected and placed in the Mississippi Valley Bank, in Vicksburg, the sum of two thousand two hundred and fifty dollars, which was not bequeathed, expressly or implicitly, by said will, and justly belongs to your petitioner; that Charles Carpenter, executor, has withdrawn the same from said bank, and appropriated it to his own private use, and is individually liable to your petitioners therefor.

Wherefore your petitioners pray that the said Charles Carpenter, a resident of Madison Parish, be cited, as executor and individually, to answer hereto, and to authorize his said wife, Lucinda Carpenter, to appear herein, and his said wife and E. S. Dennis be cited to

71 answer hereto, that curators ad hoc be appointed to represent the said "Baptist church" in Vicksburg, and the said Grove Stansbury, and that they be cited according to law to answer hereto; and after trial hereof, that your petitioners have judgment recognizing them as the heirs to the succession of the said Celia A. Grove; that the

pretended donation to the Baptist church in Vicksburg be declared null and void, and the property attempted to be given in said bequest, to wit, the plantation on which the testatrix resided, described hereinabove, (with the exception of the bequest to John A. Klein,) be declared and adjudged to be the property of petitioners, with all the furniture, fixtures, drapery, etc., in the house thereon or thereunto belonging; that the bequest to Gen. Dennis, Grove Stanbury, and Mrs. Lucinda Carpenter be annulled, avoided, and reversed, and that petitioners have judgment against the said Dennis for the sum of one thousand dollars, value of the stock sold by him, with legal interest from judicial demand, and that they also have judgment against Charles Carpenter for the sum of two thousand two hundred and fifty dollars, money with-
72 drawn from the bank, with legal interest from judicial demand; and, further, that your petititioners be recognized as the owners of all the property, rights, credit, and claims of or appertaining to said succession and not disposed of by said will, or which of rights revert to them by the lapse of any legacy or legacies in said will. Further prays for all general and equitable relief, etc.

(Signed) WELLS & RAINEY, AND
" J. TYSON LANE,
Attorneys for Plaintiffs.

STATE OF LOUISIANA,
Parish of Madison:

Considering the foregoing application and prayer of petitioners, and the law authorizing it, it is ordered that J. C. Seale, esq., attorney at law, be appointed curator ad hoc to represent the Baptist church in Vicksburg, and H. R. Morrison, attorney at law, curator ad hoc to represent Grove Stanbury, as prayed for.

Done and signed in chambers this 20th day of April, A. D. 1872.

(Signed) ISAAC H. CRAWFORD,
Parish Judge.

73 I hereby accept the appointment of curator ad hoc, as above for the Baptist church, and acknowledge service of petition and citation this 20th day of April, A. D. 1872.

(Signed) J. C. SEALE.

I hereby accept the appointment of curator ad hoc for Grove Stanbury made above, and acknowledge service of petition and citation in the within and foregoing suit the 20th day of April, A. D. 1872.

(Signed) H. R. MORRISON.

(Endorsed:) No. 358. Parish court. Mary Stout et als., vs. Chas. Carpenter, executor, et als. Petition filed April 20th, A. D. 1872. (Signed) S. S. Prentiss Dangerfield, clerk.

THE STATE OF LOUISIANA,
Parish of Madison:

MARY STOUT ET AL.
vs.
CHAS. CARPENTER, EX., ET ALS. } Parish court, No. 358.

To Charles Carpenter, executor of the succession of Celia A. Grove, deceased, residing in the parish and State aforesaid:

You are hereby cited either to comply with the demands contained in

the petition of the said Mary Stout et als., of which a copy ac-
74 companies this citation, or to deliver your answer to the said petition, at the office of the clerk of the district court, held in the town of Delta, within said parish, within ten days from the service thereof.

Witness the honorable Isaac H. Crawford, judge of said court, and the official seal thereof this 23d day of April, A. D. 1872.

[SEAL.] (Signed) CHAS. R. BRUTON,
Deputy Clerk of the Dist. Court.

Received April 23d, 1872, and served on the same day, month, and year, by handing a copy of this citation and the accompanying petition to the said Chas. Carpenter, executor, etc., in person, on the Willow Glen Plantation, within this parish, distant about three miles. Returned same day. Service, two dollars; mileage, sixty cents.

(Signed) E. M. CRAMER, *Sheriff.*

(Endorsed:) No. 358. Parish court. Citation. Original filed April 24th, 1872. (Signed) Chas. R. Bruton, deputy clerk.

75 THE STATE OF LOUISIANA,
Parish of Madison:

MARY STOUT ET ALS.
vs.
CHAS. CARPENTER, EX., ET ALS. } Parish court. No. 358.

To Chas. Carpenter and Lucinda Carpenter, his wife, residing in the parish and State aforesaid:

You are hereby cited either to comply with the demands contained in the petition of the said Mary Stout et als., of which a copy accompanies this citation, or to deliver your answer to the said petition, at the office of the clerk of the district court held in the town of Delta, within said parish, within ten days from the service thereof.

Witness the honorable Isaac H. Crawford, judge of said court and the official seal thereof, this 23d day of April, 1872.

[SEAL.] (Signed) CHAS. R. BRUTON,
Dep. Clk. of the Dist. Ct.

Received April 23d, 1872, and served on the same day, month, and year upon the said Charles Carpenter and Lucinda Carpenter, his wife,
by handing a copy of this citation and accompanying petition to
76 the said Chas. Carpenter in person, on the Willow Glen Plantation, within said parish, distant about three miles. Returned same day. Service, two dollars; mileage, sixty cents.

(Signed) E. M. CRAMER, *Sheriff.*

(Endorsed:) No. 358. Parish court. Citation. Original filed April 24th, 1872. (Signed) Chas. R. Bruton, deputy clerk.

THE STATE OF LOUISIANA,
Parish of Madison:

MARY STOUT ET AL.
vs.
CHAS. CARPENTER, EX., ET ALS. } Parish court. No. 358.

To E. S. Dennis, residing in the parish and State aforesaid:

You are hereby cited either to comply with the demands contained in the petition of the said Mary Stout et al., of which a copy accompanies

the citation, or to deliver your answer to the said petition, at the office of the clerk of the district court, held in the town of Delta, within said parish, within ten days from the service thereof.

Witness the honorable Isaac H. Crawford, judge of said court, and the official seal thereof, this 23d day of April, A. D. 1872.

77 [SEAL.] (Signed) CHAS. R. BRUTON,
Deputy Clerk of the District Court.

Received April 23d, 1872, and served on the same day, month, and year upon E. S. Dennis, by handing a copy of this citation and accompanying petition to a person over the age of 14 years, whose name I knew of my own knowledge to be Charles Carpenter, at and residing at the domicile of the said E. S. Dennis, within this parish, he (Dennis) being absent at the time of service. Returned same day. Service, two dollars; mileage, sixty cents.

(Signed) E. M. CRAMER,
Sheriff.

(Endorsed:) No. 358. Parish court. Citation. Original filed April 24th, 1872. To E. S. Dennis. (Signed) Chas. R. Bruton, deputy clerk.

MARY STOUT ET ALS.
vs.
CHAS. CARPENTER, EX., ET ALS. } Parish court.

It is agreed that this case shall be continued until the next September term of the parish court, upon the conditions that the defendants will put it at issue in two weeks from this date, and that in their
78 answers they will admit that plaintiffs are the legal heirs to Celia A. Grove, deceased.

Delta, La., June 25th, 1872.

(Signed) WELLS & RAINEY AND
" J. TYSON LANE,
Attorneys for Plaintiffs.
" FARRAR & SPENCER,
Attorneys for Defendant.
" F. F. MONTGOMERY,
Attorney for the Baptist Church.

(Endorsed:) No. 358. Mary Stout et al. vs. Chas. Carpenter, executor, et als. Agreement filed June 26th, 1872. (Signed) S. S. Prentiss Dangerfield, clerk.

Extract from minute-book A, parish court, Wednesday, June 26, 1872.

MARY STOUT ET ALS.
vs.
CHAS. CARPENTER, EX., ET ALS. } No. 358.

In this case there was an agreement of counsel filed, and case continued until the September term of this court.

STATE OF LOUISIANA,
Parish of Madison:

Thirteenth district court, clerk's office.

I, S. S. Prentiss Dangerfield, clerk of the thirteenth judicial district court, in and for the parish of Madison, State of Louisiana, per-

79 forming the clerical duties in and for the parish court of said parish and State, do hereby certify that the foregoing ten pages and one line contains a true and correct transcript of all documents filed, all orders of court, and all proceedings had in the suit styled Mary Stout et als. vs. Chas. Carpenter, executor, et als., No. 358 on the docket of said parish court.

Witness my signature and the seal of the court, this 20th day of July, A. D. 1872.

[SEAL.] (Signed) S. S. PRENTISS DANGERFIELD,
Clerk of the District Court.

EXHIBIT G.—TRANSCRIPT.

Petition.

RICHARD R. GROVE ET ALS.
vs.
CHARLES CARPENTER, EX. } No. 803.

To the honorable Wade H. Hough, judge of the thirteenth judicial district of the State of Louisiana, holding sessions in and for the parish of Madison:

The petition of Richard R. Grove, Edmund S. Grove, and Anne
80 E. Grove, wife of Henry Johnson, herein authorized and assisted by her said husband, all residents of the county of Haywood, State of Tennessee; Robert D. Grove, Eldridge D. Grove, and Charles Churchill, natural guardian of his minor child Charles Churchill, of the city of Memphis, Tennessee; William S. Grove, of the State of Georgia; Robert E. Rivers, of the State of Arkansas; and William B. Rivers, and Anne Rivers, and the widow Collon, of Tipton County, State of Tennessee, respectfully represent' that they are the nearest relatives and only heirs of George W. Grove, deceased, late of the parish of Madison, State of Louisiana; that he, the said George W. Grove, departed this life in the year 1866, intestate, leaving neither descendants or ascendants, and, as his sole heirs, petitioners are entitled to all the property, rights, and credits left by him at his death.

Your petitioners further represent that, at the time of his death, he was the owner of an undivided half of a large and valuable property, situated in the said parish of Madison, consisting of a valuable plantation and other landed property, and credits, amounting in all to
81 sixty thousand or eighty thousand dollars in value, a full description of which will be fully shown on the trial of this suit, and as it appears on the inventory of Mrs. Grove's succession property, all of which said property, etc., was acquired during the marriage between himself and his wife Celia A. Grove, and was therefore community property.

They further show that his wife, the said Celia A., died in the month of , 1872, leaving a last will and testament, in which she bequeathed to various persons all the property owned by her said husband as aforesaid, pretendedly setting up title thereto under and by virtue of a judgment of seperation of property between her and said husband; which said judgment your petitioners alleges is an absolute nullity for the reason that she owned no seperate property, nor did she bring any in marriage, nor for any other cause was she entitled to such a judgment, and for the additional reason that it was never executed.

Petitioners further allege that the subsequent purchase or pur-
82 chases by her of all of said property at the suits of the creditors of her husband, the said George W. Grove, were absolute nullities, because they were mere simulations, or pretended purchases, the price or purchase-money having been paid by George W. Grove, her said husband, who continued to live upon, possess, control, and exercise all the rights of ownership that he had always done before the said purchases by his wife.

Petitioners further show that Charles Carpenter is now in possession of all said property, acting as executor of the last will and testament of the said Celia A. Grove; wherefore petitioners pray that the said Charles Carpenter, executor, etc., may be cited to answer hereto, and after due legal proceedings that they may be decreed to be the owners of an undivided half of all of the property, rights, and credits owned and held by the said George W. Grove and Celia A. Grove, and of the revenues arising therefrom since their deaths, and for such other and further relief as the nature of the case may require.

(Signed) M. WALLACE,
Attorney for Plaintiff.

83 Thirteenth district court, parish of Madison, La.

STATE OF LOUISIANA,
Parish of Madison:

Oath.

On this 3rd day of July, 1872, personally appeared before me, the undersigned authority, Malcome Wallace, plaintiffs' attorney, who, being duly sworn on the Holy Bible, deposed that the testimony of William H. Harris, who resides in the county of Hinds, in the State of Mississippi, and Mrs. Sally Howell and Margaret Osborn, of the county of Haywood, State of Tennessee, will be material on the trial of the above-styled suit, and he further deposes that the honorable Wade H. Hough, judge of the thirteenth judicial district of the State of Louisiana, is now absent from the parish of Madison.

(Signed) M. WALLACE.

Sworn to and subscribed before me on the date above written.

(Signed) ISAAC H. CRAWFORD,
Parish Judge.

Order.

Let the commissions issue to take the depositions of the persons as above set forth. This 3rd July, 1872.

(Signed) ISAAC H. CRAWFORD,
Parish Judge.

84 (Endorsed:) No. 803. Thirteenth district court. Richard H. Grove et al. vs. Chas. Carpenter, executor of Celia A. Grove. Petition filed July 3rd, 1872.

(Signed) CHAS. R. BRUTON,
Deputy Clerk.

STATE OF LOUISIANA,
Parish of Madison :

RICHARD R. GROVE ET AL.
vs.
CHARLES CARPENTER, EX. } Thirteenth dist. court.

Interrogatories.

Interrogatories propounded to W. H. Harris, of Hinds County, in the State of Mississippi, which, when answered, are to be used as evidence on the trial of the above-styled suit, on the part of the plaintiffs.

Interrogatory 1st. Were you, or not, a resident of the parish of Madison, Louisiana, for a number of years? If yea, state how many and what years you did live there.

Interrogatory 2nd. Were you acquainted with George W. Grove and Celia A. Grove, his wife?

Interrogatory 3rd. Do you or not know when they were married, and how long they lived together as man and wife?

85 Interrogatory 4th. Do you know w'ether or not Mrs. Celia A. brought any property in marriage, or had any after the marriage in her own right, or did she have any separate business or industry by which she earned anything during the marriage?

Interrogatory 5th. If within your knowledge, state how she raised the means by which she obtained a judgment of seperation of property in 1853? And if given or loaned to her, was it ever refunded, and by whom was it refunded or paid?

Interrogatory 6th. After the purchase by Mrs. Grove of the property of her husband, at the suit of Hazard & Green and others, did not Mr. Grove continue to live on the plantation, control and, manage all the property as he had always done before? How long did he live on and control the property after the sale to his wife? Did he not do so until he was forced away by the Federal Army? And when he left, did he take any property with him, and what?

Interrogatory 7th. When did Mr. Grove die?

86 Interrogatory 8th. In answer to this general interrogatory, you will please state any other facts within your knowledge that would be of benefit to the plaintiffs.

(Signed) M. WALLACE,
Plaintiffs' Attorney.

(Endorsed :) No. 803. District court. Richard R. Grove et als. vs. Charles Carpenter, executor. Interrogatories to W. H. Harris. Filed July 3rd, 1872. (Signed) Chas. R. Bruton, deputy clerk.

Sheriff's return.

I received an attested copy of the within interrogatories on the 3rd day of July, A. D. 1872, and served the same on the 5th day of same month and year by handing said copy to the said Chas. Carpenpenter, executor, &c., in person, on the plantation of the late Mrs. Celia A. Groves, within the parish.

(Signed) E. M. CRAMER, *Sheriff.*

Interrogataries.

Thirteenth dist. ct., parish of Madison, Louisiana.

RICHARD R. GROVE ET ALS.
vs.
CHAS. CARPENTER, EX.

Interrogatories to be propounded to Mrs. Sally Howell and Margaret Osborn, of Haywood County, State of Tennessee, which, when answered, are to be used as evidence on the trial of the above-
87 styled suit on behalf of plaintiffs.

Interrogatory 1st. Were you acquainted with George W. Grove, late of Madison Parish, Louisiana, now deceased?

Interrogatory 2nd. Did he leave any descendants or ascendants? If not, did he leave any brothers or sisters or descendants from them? And if you answer that he did, please state their name in full and their residences.

(Signed) M. C. WALLACE,
Attorney for Plaintiff.

(Endorsed:) No. 803 district court. Richard R. Grove et als. vs. Chas. Carpenter, ex. Interrogatories to Sally Howell and Margaret Osburn. Filed July 3rd, 1872. (Signed) Chas. R. Bruton, deputy clerk.

Sheriff's return.

I received an attested copy of the within interrogatories on the 3rd day of July, A. D. 1872, and served the same on the 5th day of same month and year by handing said copy to the said Charles Carpenter, executor, etc., in person, on the plantation of the late Mrs. Celia
88 A. Groves, within this parish.

(Signed) E. M. CRAMER, *Sheriff.*

Citation.

STATE OF LOUISIANA,
Parish of Madison:

RICHARD R. GROVES ET AL.
vs.
CHARLES CARPENTER, EX., &C. } Thirteenth dist ct. No. 803.

To Charles Carpenter, executor of the last will and testament of Celia A. Grove, residing in the parish and State aforesaid:

You are hereby cited either to comply with the demands contained in the petition of the said Richard R. Grove et al., of which a copy accompanies this citation, or to deliver your answer to the said petition at the office of the clerk of said court, held in the town of Delta, within said parish, within ten days from the service thereof.

Witness the honorable Wade H. Hough, judge of said circuit court, and the official seal thereof, this third day of July, A. D. 1872.

[SEAL.] (Signed) CHAS. R. BRUTON,
Deputy Clerk of said Court.

89 *Sheriff's return.*

Received, July 3d, 1872, and served on the 5th day of same month and year, by handing a copy of this citation and accompanying petition, also two copies of interrogatories accompanying this citation, to Charles Carpenter, executor, &c., in person, within this parish, on the the plantation of the late Celia A. Groves.

Return the same day; service, two dollars; mileage, sixty cents.

(Signed) E. M. CRAMER, *Sheriff.*

(Endorsed:) No. 803. Citation. Original filed July 5th, 1872. (Signed) Chas. R. Bruton, deputy clerk. To Charles Carpenter.

STATE OF LOUISIANA,
Parish of Madison:

Thirteenth district court, clerk's office.

I, S. S. Prentiss Dangerfield, clerk of said court, do hereby certify that the foregoing eight pages contain a true and correct transcript of all documents filed, all orders of court, and all proceedings had in the suit styled Richard R. Groves et als. vs. Charles Carpenter, exe-
90 cutor, and numbered 803 on the docket of said court.

Witness my signature and the seal of said court this 31st day of July, A. D. 1872.

(Signed) S. S. PRENTISS DANGERFIELD,
Clerk of said Court.

Petition.

ELIAS S. DENNIS ET ALS.
vs.
SUCCESSION OF C. A. GROVE. } No. 187.

To the honorable the judge of the parish court of the parish of Madison, and State of Louisiana:

The petition of Elias S. Dennis, residing in said parish and State, respectfully shows that by the provision of the last will and testament of the late Celia A. Grove, deceased, your petitioner was bequeathed a legacy, under a particular title under item fourth of said testament, in the following words, viz: "I desire General Dennis to appropriate my stock as he may think best, a part for the benefit of a boy named Ceasar Hays—this I desire his own judgment about;" shows that said succession has been duly opened in your said parish, and that Charles Carpenter has been duly confirmed and qualified as the testa-
91 mentary executor thereof, with seizin of the estate; that said executor, who resides in the parish of Madison, has declined to surrender said stock to your petitioner under said particular legacy; that said stock consists of one horse, one mule, twelve head of cattle, five head of sheep, and thirteen head of hogs, and is of the appraised value of six hundred and eighty-five dollars.

Wherefore petitioner prays that said executor be cited to show cause why said legacy should not be surrendered to petitioner, without further delay, and for general relief in the premises.

(Signed) THOMAS P. FARRAR,
Attorney for Plaintiff.

Service of the petition and rule is accepted and citation is waived. March 18th, 1872.

(Signed) C. CARPENTER, *Executor.*

Answer.

ELIAS S. DENNIS
vs.
SUCCESSION OF CELIA A. GROVE, DECEASED.

92 Charles Carpenter, executor of the last will and testament of Celia A. Grove, deceased, in answer to the rule to show cause why certain property disposed of in said will should not be delivered up to said legatee, now comes and begs to submit himself to the order of this honorable court.

Appearer would respectfully show that said property is of a perishable nature, and of great expense to the succession without any corresponding benefit to the same. He therefore prays that, if in the event of your honor's refusal to have delivered up the property to the legatee, then, and in that event, that your honor grant an order for the sale of the same; prays for general relief.

(Signed) E. D. FARRAR,
Of Counsel for Executor.

(Endorsed:) 187. Elias S. Dennis vs. succession of Celia A. Grove, deceased. Answer filed March 18th, 1872. (Signed) Chas. R. Bruton, deputy clerk.

93 *Note of evidence.*

ELIAS S. DENNIS
v.
SUCCESSION OF CELIA A. GROVE, DECEASED.

In this case the plaintiff offers in evidence the last will and testament of Celia A. Grove, deceased, and also the order of probate of the will; also inventory of succession.

I hereby certify that the foregoing is all the evidence offered in the above-styled suit.

Witness my signature this 18th day of March, A. D. 1872.

(Signed) CHAS. R. BRUTON,
Deputy Clerk Thirteenth Dist. Ct.

(Endorsed:) 187. Elias S. Dennis vs. Succession of Celia A. Grove, deceased. Note of evidence. Filed March 18th, 1872. (Signed) Chas. R. Bruton, deputy clerk.

Judgment.

ELIAS S. DENNIS
vs.
SUCCESSION OF CELIA A. GROVE, DEC'D. } Parish court.

STATE OF LOUISIANA,
Parish of Madison:

94 By reason of the law and evidence being in favor of the plaintiff and against defendant, a trial having been had, it is ordered, adjudged, and decreed that the stock bequeathed to the plaintiff in the last will of Celia A. Grove, deceased, viz: one horse, one mule, twelve

head of cattle, two head of sheep, and thirteen head of hogs, be surrendered and delivered into the possession of the plaintiff by Charles Carpenter, the testamentary executor of said succession, with costs of suit.

Done, read, and signed in open court, the 18th of March, 1872.

(Signed) ISAAC H. CRAFORD,
Parish Judge.

(Endorsed:) No. 187. Madison Parish court. Elias S. Dennis vs. Succession of Celia A. Grove, deceased. Filed March 18th, 1872. (Signed) Chas. R. Bruton, deputy clerk.

Petition.

To the honorable the judge of the parish of Madison, La.:

95 Your petitioner, Helen A. Ingalls, assisted and joined by her husband, Ingalls, both residents of the State of New Hampshire, with respect shows that by the last will and testament of the late Celea A. Grove, deceased, your petitioner was to receive as a special and particular legacy, "one diamond ring;" that said succession is now opened and under administration in said parish by Charles Carpenter, as testamentary executor, under confirmation of said your honorable court, and that said executor declines to deliver up said particular legacy unless by order *by order* of your honorable court.

Wherefore petitioner prays the said Carpenter, executor, be cited and ordered to deliver to petitioner said diamond ring, and for general relief.

(Signed) THOS. P. FARRAR,
Attorney for Petitioner.

Acceptance.

Charles Carpenter, executor, hereby accepts service of the within
96 application for a rule to show cause, and begs to submit the matters herein complained of to the direction of this honorable court.

(Signed) E. D. FARRAR,
Of Counsel of Executor.

Judgment.

STATE OF LOUISIANA,
Parish of Madison:

Parish court.

By reason of the law and evidence, a trial having been had, it is ordered, adjudged, and decreed that Charles Carpenter, executor of the succession of Celia A. Grove, deceased, do deliver forthwith to the plaintiff, Helen A. Ingalls, the diamond ring bequeathed to her by the deceased, and costs of this proceeding.

Done, read, and signed in open court this 18th January, A. D. 1872.

(Signed) ISAAC H. CRAWFORD,
Parish Judge.

(Endorsed:) No. 187. Madison Parish court. Helen A. Ingalls et al. vs. Succession of Celia A. Grove, deceased. Filed March 18th, 1872. (Signed) Chas. R. Bruton, deputy clerk.

97 *Petition.*

To the honorable Isaac H. Crawford, parish judge of the parish of Madison, Louisiana:

The petition of Miss Lucy C. Seale, a femme sole, of the parish of Madison, represents and shows that by the last will and testament of Celia A. Grove, deceased, your petitioner received as a special and particular legacy one diamond ring; that said succession is now opened and under administration in said parish by Charles Carpenter, as testamentary executor, under confirmation of your honorable court, and that said executor declines to deliver up said particular legacy unless by order of your honorable court.

Wherefore petitioner prays the said Carpenter, executor, be cited and ordered to deliver to petitioner said diamond ring, and for general relief, etc.

(Signed) J. C. SEALE,
Attorney for Petitioner.

Acceptance.

98 Charles Carpenter, executor, hereby accepts service of the within rule, and submits the matter therein complained of to the direction of this honorable court.

(Signed) E. D. FARRAR,
Of Counsel for Executor.

Judgment.

Parish court, parish of Madison.

LUCY C. SEALE
vs.
SUCCESSION OF CELIA A. GROVE, CHAS. CARPENTER, ex.

This case having been taken up for trial, was tried, and the law and the evidence being in favor of the plaintiff, it is therefore ordered, adjudged, and decreed that plaintiff be recognized as one of the special legatees under the last will and testament of Celia A. Grove, deceased, and that Charles Carpenter, testamentary executor, be, and he is hereby, ordered, adjudged, and decreed to deliver to her the diamond ring left to her as a special legacy by said deceased in her said last will and testament, and that he pay costs of this suit to be taxed.

Read and signed in open court this 18th March, 1872.

(Signed) ISAAC H. CRAWFORD,
Parish Judge.

99 No. 187. Parish court. Lucy C. Seale vs. Succession of Celia A. Grove, Charles Carpenter, executor. Filed March 18th, 1872. (Signed) Chas. R. Bruton, deputy clerk.

STATE OF LOUISIANA,
Parish of Madison:

Thirteenth dist. court, clerk's office.

I, S. S. Prentiss Dangerfield, clerk of said court, performing the clerical duties in and for the parish court of said parish and State, do

hereby certify that the foregoing seven pages contains a true and correct transcript of all the documents filed, all orders of courts, and all proceedings had in the suits styled Elias S. Dennis vs. Succession of Celia A. Grove, deceased, and Helen A. Ingalls vs. Succession of Celia A. Grove, deceased, and Miss Lucy C. Seal vs. Succession of Celia A. Grove, deceased, all numbered 187 on the docket of said court.

Witness my signature and the seal of said court this 31st day of July, A. D. 1872.

[SEAL.] (Signed) S. S. PRENTISS DANGERFIELD,
Clerk of District Court.

100 *Answer of V. B. Church.*

Parish court, Madison Parish, Louisiana.

MARY STOUT ET AL.
vs.
CHAS. CARPENTER, EX., ET AL.

Now come Montgomery & Delony, attorneys for the Vicksburg Baptist church, a duly-incorporated institution under the laws of the State of Mississippi, and for answer to plaintiff's petition, admit that Celia A. Grove made the last will and testament described in the petition, and that the same has been regularly admitted to probate; for further answer, deny each and ev'ry other allegation so far as the rights of this defendant are affected thereby. This defendant alleges that the bequest of the plantation to the "Baptist church now in the city of Vicksburg" was meant and intended for this defendant, and no other, and that said testatrix was at the time of her death, and had been for many years, a member of said church; all which will be shown on the trial hereof.

Wherefore this defendant prays that plaintiff's petition be dismissed at plaintiff's cost, and this defendant be declared the true
101 legatee and rightful owner of said plantation under said will.

(Signed) MONTGOMERY & DELONY,
Attorneys.

Subpœna in chancery to Tobias Smith.

UNITED STATES OF AMERICA:

The President of the United States to the marshal for the district of Louisiana, greeting:

You are hereby commanded to summon Tobias Smith, citizen of the State of Louisiana, to appear before the honorable the judges of the fifth judicial circuit of the United States of America, at a circuit court to be holden on the first Monday of November, 1872, then and there to answer a bill in chancery, filed against him and others, wherein T. J. Walne, A. Legrand, A. C. Kirven, A. V. Putman, and T. J. Haines, trustees of the Vicksburg Baptist church, of Vicksburg, in the State of Mississippi, a body corporate by the laws of said State, and all citizens of said State, are complainants, and said Tobias Smith and others are defendants.

102 Herein fail not, and have you then and there this writ, with your endorsement thereon how you have executed the same.

Witness the honorable Salmon P. Chase, Chief-Justice of the United

States of America, this 17th day of September, in the year of our Lord one thousand eight hundred and seventy-two, and the 97th year of American Independence.

[SEAL.] (Signed) F. A. WOOLFLEY, *Clerk.*

The defendant is hereby notified that he is required to enter his appearance in the clerk's office of the United States circuit court on or before the first Monday of November, 1872; otherwise the bill may be taken pro confesso.

(Signed) F. A. WOOLFLEY, *Clerk.*

Marshal's return.

Received September 18th, 1872, by the U. S. marshal, and on the 19th day of September, 1872, served a copy hereof on Tobias Smith by handing the same to Hannah Smith, his wife, at their common domicile, in the parish of Madison, 3 miles from Delta, and 403 miles from New Orleans, the said Tobias Smith being absent therefrom at the time of service, which I learned interrogating the said Hannah Smith.

103 New Orleans, September 25th, 1872.

(Signed) CHAS. R. STEELE,
D'y U. S. Marshal.

Subpœna in chancery to Seayer Hays.

UNITED STATES OF AMERICA:

To the President of the United States to the marshal for the district of Louisiana, greeting:

You are hereby commanded to summon Seayer Hays, a citizen of the State of Louisiana, to appear before the honorable the judges of the fifth judicial circuit of the United States of America, at a circuit court to be holden on the first Monday of November, 1872, then and there to answer a bill in chancery, filed against him and others, wherein T. J. Walne, A. Le Grange, A. C. Kirven, A. V. Putnam, and T. J. Haines, trustees of the Vicksburg Baptist church, of Vicksburg, in the State of Mississippi, a body corporate by the laws of said State, and all citizens of said State, are complainants, and said Seayer Hays and others are defendants.

104 Herein fail not, and have you then and there this writ, with your indorsement thereon how you have executed the same.

Witness the honorable Salmon P. Chase, Chief-Justice of the Supreme Court of the United States of America, this 17th day of September, in the year of our Lord one thousand eight hundred and seventy-two, and the 97th year of American Independence.

[SEAL.] (Signed) F. A. WOOLFLEY, *Clerk.*

The defendant is hereby notified that he is required to enter his appearance in the clerk's office of the United States circuit court on or before the first Monday of November, 1872; otherwise the bill may be taken pro confesso.

(Signed) F. A. WOOLFLEY, *Clerk.*

Marshal's return.

Received September 18th, 1872, by the U. S. marshal, and on the 19th day of September, 1872, served a copy hereof on Seayer Hays by

handing the same to him in person, at about 3 miles from the town of Delta, parish of Madison, and 403 miles from this city.

New Orleans, September 25th, 1872.

(Signed) CHAS. R. STEELE,
D'y U. S. Marshal.

105 *Subpœna in chancery to Celia and Rachel Groves.*

UNITED STATES OF AMERICA:

The President of the United States to the marshal for the district of Louisiana, greeting:

You are hereby commanded to summon Celia and Rachel Groves, minor children of Julia Trezevant, and citizens of the State of Louisiana, to appear before the honorable the judges of the fifth judicial circuit of the United States of America, at a circuit court to be holden on the first Monday of November, 1872, then and there to answer a bill in chancery, filed against them and others, wherein T. J. Walne, A. Le Grange, A. C. Kirvin, A. V. Putman, and T. J. Haines, trustees of the Vicksburg Baptist church, of Vicksburg, in the State of Mississippi, a body corporate by the laws of said State, and all citizens of said State, are complainants, and said Celia and Rachel Groves, minors, children of Julia Trezevant, & others, are defendants.

Herein fail not, and have you then and there this writ, with your endorsement thereon how you have executed the same.

106 Witness the honorable Salmon P. Chase, Cheif-Justice of the Supreme Court of the United States of America, this 17th day of September, in the year of our Lord one thousand eight hundred and seventy-two, and the 97th year of American Independence.

[SEAL.] (Signed) F. A. WOOLFLEY, *Clerk.*

The defendants are hereby notified that they are required to enter their appearance in the clerk's office of the United States circuit court on or before the first Monday of November, 1872; otherwise the bill may be taken pro confesso.

(Signed) F. A. WOOLFLEY, *Clerk.*

Marshal's return.

Received September 18th, 1872, by the U. S. marshal, and on the 20th day of September, 1872, served a copy hereof on Celia Groves, named herein, by handing the same to her in person, at the parish of Madison, 415 miles from New Orleans, near the town of Tululah. Rachel Groves not found.

(Signed) CHAS. R. STEELE,
D'y Marshal.

SEPT'R 25th, 1872.

107 *Subpœna in chancery to Geo. T. Trezevant.*

UNITED STATES OF AMERICA:

The President of the United States to the marshal for the district of Louisiana, greeting:

You are hereby commanded to summon George T. Trezevant, a citizen of the State of Louisiana, to appear before the honorable the judges

of the fifth judicial circuit of the United States of America, at a circuit court to be holden on the first Monday of November, 1872, then and there to answer a bill in chancery, filed against him and others, wherein T. J. Walne, A. Le Grange, A. C. Kirvin, A. V. Putman, and T. J. Haines, trustees of the Vicksburg Baptist church of Vicksburg, in the State of Mississippi, a body corporate by the laws of said State, and all citizens of said State, are complainants, and said Geo. T. Trezevant and others are defendants.

Herein fail not, and have you then and there this writ, with your endorsement thereon how you have executed the same.

108 Witness the honorable Salmon P. Chase, Cheif-Justice of the Supreme Court of the United States of America, this 17th day of September, in the year of our Lord one thousand eight hundred and seventy-two, and the 97th year of American Independence.

[SEAL.] (Signed) F. A. WOOLFLEY, *Clerk.*

The defendant is hereby notified that he is required to enter his appearance in the clerk's office of the United States circuit court on or before the first Monday of November, 1872; otherwise the bill may be taken pro confesso.

(Signed) F. A. WOOLFLEY, *Clerk.*

Marshal's return.

Received September 18th, 1872, by the U. S. marshal, and on the 20th day of September, 1872, served a copy hereof on Geo. T. Trezevant, by handing it to his wife, Julia Trezevant, at their common domicile, in the town of Tallulah, parish of Madison, 415 miles from New Orleans. The said Geo. T. Trezevant was absent at the time of said service, which fact I learned by interrogating the said Julia Trezevant.

109 New Orleans, September 25, 1872.

(Signed) CHAS. R. STEELE,
D'y U. S. Marshal.

Subpœna in chancery to Julia Trezevant.

UNITED STATES OF AMERICA.

The President of the United States to the marshal for the district of Louisiana, greeting:

You are hereby commanded to summon Julia Trezevant, a citizen of Louisiana, wife of Geo. T. Trezevant, to appear before the honorable the judges of the fifth judicial circuit of the United States of America, at a circuit court to be holden on the first Monday of November, 1872, then and there to answer a bill in chancery filed against her and others, wherein T. J. Walne, A. Le Grand, A. C. Kirvin, A. V. Putnam, and T. J. Haines, trustees of the Vicksburg Baptist church, of Vicksburg, in the State of Mississippi, a body corporate by the laws of said State, and all citizens of said State, are complainants, and said Julia Trezevant and others are defendants.

110 Herein fail not, and have you then and there this writ, with your endorsement thereon how you have executed the same.

Witness the honorable Salmon P. Chase, Cheif-Justice of the Supreme Court of the United States of America, this 17th day of September, in the year of our Lord one thousand eight hundred and seventy-two, and the 97th year of American Independence.

[SEAL.] (Signed) F. A. WOOLFLEY, *Clerk.*

The defendant is hereby notified that she is required to enter her appearance in the clerk's office of the United States circuit court on or before the first Monday of November, 1872; otherwise the bill may be taken pro confesso.

(Signed) F. A. WOOLFLEY, *Clerk.*

Marshal's return.

Received Sept'r 18th, 1872, by the U. S. marshal, and on the 20th day of September, 1872, served a copy hereof on Julia Trezevant, by handing the same to her in person, at the town of Tallulah, parish of Madison, 415 miles from this city.

111 New Orleans, September 25th, 1872.

(Signed) CHAS. R. STEELE,
D'y U. S. Marshal.

Subpœna in chancery to Chas. Carpenter, executor.

UNITED STATES OF AMERICA.

The President of the United States to the marshal for the district of Louisiana, greeting:

You are hereby commanded to summon Charles Carpenter, executor of Celia A. Grove, deceased, and a citizen of the State of Louisiana, to appear before the honorable the judges of the fifth judicial circuit of the United States of America, at a circuit court to be holden on the first Monday of November, 1872, then and there to answer a bill in chancery, filed against him and others, wherein T. J. Walne, A. Le Grand, A. C. Kirvin, A. V. Putnam, and T. J. Haines, trustees of the Vicksburg Baptist church, of Vicksburg, in the State of Mississippi, a body corporate by the laws of said State, & all citizens of said State, are complainants, and said Chas. Carpenter, executor, &c., and others are defendants.

112 Herein fail not, and have you then and there this writ, with your endorsement thereon how you have executed the same.

Witness the honorable Salmon P. Chase, Chief-Justice of the Supreme Court of the United States of America, this 17th day of September, in the year of our Lord one thousand eight hundred and seventy-two, and the 97th year of American Independence.

[SEAL.] (Signed) F. A. WOOLFLEY, *Clerk.*

The defendant is hereby notified that he is required to enter his appearance in the clerk's office of the United States circuit court on or before the first Monday of November, 1872; otherwise the bill may be taken pro confesso.

(Signed) F. A. WOOLFLEY, *Clerk.*

Marshal's return.

Received Sept'r 18th, 1872, by the U. S. marshal, and on the 19th day of September, 1872, served a copy hereof on Charles Carpenter, executor, in the following manner, to wit, by handing the same to him in person, 3 miles from Delta, parish of Madison, and 403 miles from this city.

New Orleans, Sept'r 25th, 1872.

(Signed) CHAS. R. STEELE,
D'y U. S. Marshal.

113 *Subpœna in chancery to Melinda B. Carpenter & Chas. Carpenter*

UNITED STATES OF AMERICA:

The President of the United States to the marshal for the district of Louisiana, greeting:

You are hereby commanded to summon Melinda B. Carpenter and her husband, Charles Carpenter, citizens of the State of Louisiana, to appear before the honorable the judges of the fifth judicial circuit of the United States of America, at a circuit court to be holden on the first Monday of November, 1872, then and there to answer a bill in chancery filed against them and others, wherein T. J. Walne, A. Le Grand, A. C. Kirvin, A. V. Putnam, and T. J. Haines, trustees of the Vicksburg Baptist church of Vicksburg, in the State of Mississippi, a body corporate by the laws of said State, and all citizens of said State, are complainants, and said Melinda B. Carpenter, and her husband Chas. B. Carpenter, and others are defendants.

Herein fail not, and have you then and there this writ, with your endorsement thereon how you have executed the same.

114 Witness the honorable Salmon P. Chase, Chief-Justice of the Supreme Court of the United States of America, this 17th day of September, in the year of our Lord one thousand eight hundred and seventy-two, and the 97th year of American Independence.

[SEAL.] (Signed) F. A. WOOLFLEY, *Clerk.*

The defendants are hereby notified that they are required to enter their appearance in the clerk's office of the United States circuit court on or before the first Monday of November, 1872; otherwise the bill may be taken pro confesso.

(Signed) F. A. WOOLFLEY, *Clerk.*

Marshal's return.

Received September 18th, 1872, by the U. S. marshal, and on the 19th day of September, 1872, served Melinda B. Carpenter and her husband, Charles Carpenter, in the following manner, to wit, by handing to each of them a copy hereof in person, 3 miles from Delta, parish of Madison, and 403 miles from New Orleans.

New Orleans, Sept'r 25th, 1872.

(Signed) CHAS. R. STEELE,
D'y U. S. Marshal.

115 *Subpœna in chancery to Emma Purvis.*

UNITED STATES OF AMERICA:

The President of the United States to the marshal for the district of Louisiana, greeting:

You are hereby commanded to summon Emma Purvis, a citizen of the State of Louisiana, to appear before the honorable the judges of the fifth judicial circuit of the United States of America, at a circuit court to be holden on the first Monday of November, 1872, then and there to answer a bill in chancery, filed against her and others, wherein T. J. Walne, A. Le Grand, A. C. Kirvin, A. V. Putnam, and T. J. Haines, trustees of the Vicksburg Baptist church of Vicksburg, in the State of Missis-

sippi, a body corporate by the laws of said State, and all citizens of said State, are complainants, and said Emma Purvis and others are defendants.

Herein fail not, and have you then and there this writ, with your endorsement thereon how you have executed the same.

Witness the honorable Salmon P. Chase, Chief-Justice of the
116 Supreme Court of the United States of America, this 17th day of September, in the year of our Lord one thousand eight hundred and seventy-two, and the 97th year of American Independence.

[SEAL] (Signed) F. A. WOOLFLEY, *Clerk.*

The defendant is hereby notified that she is required to enter her appearance in the clerk's office of the United States circuit court on or before the first Monday of November, 1872; otherwise the bill may be taken pro confesso.

(Signed) F. A. WOOLFLEY, *Clerk.*

Marshal's return.

Received, September 18th, 1872, by the U. S. marshal, and on the 21st day of Sept., 1872, served a copy hereof on Emma Purvis, named herein, by handing the same to her in person, about two miles from Delhi, in the parish of Richland, and 432 miles from this city.

CHAS. R. STEELE,
D'y U. S. Marshal.

NEW ORLEANS, *Sept. 25th*, 1872.

117 *Subpœna in chancery to Elias S. Dennis.*

UNITED STATES OF AMERICA:

The President of the United States to the marshal for the district of Louisiana, greeting:

You are hereby commanded to summon Elias S. Dennis, a citizen of the State of Louisiana, to appear before the honorable the judges of the fifth judicial circuit of the United States of America at a circuit court to be holden on the first Monday of November, 1872, then and there to answer a bill in chancery, filed against him and others, wherein T. J. Walne, A. Le Grand, A. C. Kirvin, A. V. Putnam, and T. J. Haines, trustees of the Vicksburg Baptist church of Vicksburg, in the State of Mississippi, a body corporate by the laws of said State, and all citizens of said State, are complainants, and said Elias S. Dennis and others are defendants.

Herein fail not, and have you then and there this writ, with your endorsement thereon how you have executed the same.

118 Witness the honorable Salmon P. Chase, Chief-Justice of the Supreme Court of the United States of America, this 17th day of September, in the year of our Lord one thousand eight hundred and seventy-two, and the 97th year of American Independence.

[SEAL.] (Signed) F. A. WOOLFLEY, *Clerk.*

The defendant is hereby notified that he is required to enter his appearance in the clerk's office of the United States circuit court on or before the first Monday of November, 1872; otherwise the bill may be taken pro confesso.

(Signed) F. A. WOOLFLEY, *Clerk.*

Marshal's return.

Received September 18th, 1872, by the U. S. marshal, and on the 19th September, 1872, served a copy hereof on Elias S. Dennis, by handing the same to him in person, at the town of Delta, parish of Madison, 400 miles from New Orleans.

New Orleans, September 25, 1872.

CHAS. R. STEELE,
D'y U. S. Marshal.

119 *Subpœna in chancery to Mary Stout and her husband, Thomas C. Stubblefield, citizens of the State of Louisiana.*

UNITED STATES OF AMERICA:

The President of the United States to the marshal for the district of Louisiana, greeting:

You are hereby commanded to summon Mary Stout, and her husband, Thomas C. Stubblefield, citizens of the State of Louisiana, to appear before the honorable the judges of the fifth judicial circuit of the United States of America, at a circuit court to be holden on the first Monday of November, 1872, then and there to answer a bill in chancery, filed against them and others, wherein T. J. Walne, A. Le Grand, A. C. Kirvin, A. V. Putnam, and T. J. Haines, trustees of the Vicksburg Baptist church of Vicksburg, in the State of Mississippi, a body corporate by the laws of said State, and all citizens of said State are complainants, and said Mary Stout and her husband, Thomas C. Stubblefield, are defendants.

Herein fail not, and have you then and there this writ, with
120 your endorsement thereon how you have executed the same.

Witness the honorable Salmon P. Chase, Chief-Justice of the Supreme Court of the United States of America, this 17th day of September, in the year of our Lord one thousand eight hundred and seventy-two, and the 97th year of American Independence.

[SEAL.] (Signed) F. A. WOOLFLEY, *Clerk.*

The defendants are hereby notified that they are required to enter their appearance in the clerk's office of the United States circuit court on or before the first Monday of November, 1872; otherwise this bill may be taken pro confesso.

(Signed) F. A. WOOLFLEY, *Clerk.*

Marshal's return.

Received, Sept'r 18th, 1872, by the U. S. marshal, and on the 21st day of Sept'r, 1872, served a copy hereof on Mary Stout and her husband, Thomas C. Stubblefield, in the following manner, to wit: On Mary Stout, by handing it to her in person, 15 miles from Delhi, in the parish of Franklin, and 445 miles from this city; on her husband, Thomas C. Stubblefield, by handing the same to Mary Stout, his wife, at
121 their domicile in the parish of Franklin, 45 miles from Delta, parish of Madison, and 445 miles from this city, he being absent at the time, which I learned by interrogating her.

New Orleans, Sept'r 25th, 1872.

(Signed) CHAS. R. STEELE,
D'y U. S. Marshal.

Notice of application for injunction.—Filed September 17th, 1872.

United States circuit court.

THOS. J. HAINES & ALS., TRUSTEES, &C., *vs.* CHAS. CARPENTER, EX., &C., & ALS. } No. 6802.

To Chas. Carpenter, executor, &c., and other defendants named in the bill:

Take notice that on the opening of the United States circuit court in and for the fifth circuit and district of Louisiana, or as soon thereafter as may suit its convenience, or counsel can be heard, application
122 will be made for an injunction in conformity to the prayer of the bill herein filed.

New Orleans, Sept. 17th, 1872.

(Signed) HARRIS & HARRIS,
F. F. MONTGOMERY,
BILLINGS & HUGHES,
Solicitors for Complainants.

Entry in chancery order-book, September 17th, 1872.

T. J. HAINES ET ALS., TRUSTEES, &C., *vs.* CHAS. CARPENTER, EXR., &C., ET ALS. } No. 6802.

The defendants in this case are hereby notified that the complainants in this case, by their solicitors, have this day filed the following notice:

"To Charles Carpenter, exr., &c., and other defendants named in the bill:

"Take notice that on the opening of the U. S. circuit court in and for the 5th circuit and district of Louisiana, or as soon thereafter as may suit its convenience, or counsel can be heard, application will be made for an injunction in conformity to the prayer of the bill herein filed.

New Orleans, Sept. 17, 1872.

HAR'IS & HAR'IS,
F. F. MONTGOMERR,
BILLINGS & HUGHES,
Solicitors for Comp.

123 ENTRIES AT NOVEMBER RULES, 1872.

Appearances.

T. J. HAINES & ALS., TRUSTEES, &C., *vs.* CHAS. CARPENTER, EXR., & ALS. } 6802.

The defendants, Chas. Carpenter, individually and as executor, and Melinda B. Carpenter, by their solicitor, Given Campbell, esqr., have this day entered their appearance to complainants' bill.

T. J. HAINES & ALS., TRUSTEES, &C., *vs.* CHAS. CARPENTER, EXR., & ALS. } No. 6802.

The defendants, Elias S. Dennis, Mary Stout, wife of Thomas C. Stubblefield, Thos. C. Stubblefield, Tobias Smith, Seayer Hays, Celia Groves,

Rachel Groves, Geo. T. Trezevant, Julia Trezevant, Grove Stanbury, Emma Purvis, by their solicitors, Race Foster and E. T. Merrick, have this day entered their appearance to complainants' bill.

Agreement.—Filed Nov'r 30th, 1872.

U. S. circuit court.

THOMAS J. HAINES & ALS., *vs.* CHAS. CARPENTER & ALS. } No. 6802.

124 It is agreed that as to those respondents who have entered their appearance, and who are represented by Given Campbell or Race Foster and E. T. Merrick, esqrs., have leave until rule-day in January, 1873, in which to plead, demur, or answer to complainants' bill herein.

(Signed) HARRIS & HARRIS,
BILLINGS & HUGHES,
For Complainants.
RACE FOSTER & E. T. MERRICK,
GIVEN CAMPBELL.
For Defendants.

Withdrawal of application for injunction.—Extract from the minutes Dec'r 21, 1872.

UNITED STATES OF AMERICA:

Circuit court of the United States, fifth circuit and district of Louisiana.—November term.

NEW ORLEANS, *Saturday, Dec'r 21st*, 1872.

Court met at 11 a. m.; present Hon. E. H. Durell, district judge.

T. J. HAINES & ALS. *vs.* CHAS. CARPENTER & ALS. } No. 6802.

125 On motion of Billings & Hughes, attorneys for complainants, it is ordered that the application for an injunction be withdrawn.

Demurrer.—Filed January 6th, 1873.

U. S. circuit court, in chancery.

T. J. HAINES ET ALS., TRUSTEES, *vs.* CHARLES CARPENTER, EXR., ET ALS. } No. 6802.

The joint and several demurrer of Charles Carpenter and of all the other defendants in aforesaid cause, on whom process has been served, to the bill of complaint of T. J. Haines et als., trustees and co-plaintiffs in aforesaid cause.

These defendants, by prostestation, not confessing any of the matters in said bill complained of to be true in manner and form as the same are set forth, severally say that they are advised that there is no matter

or thing in said bill good and sufficient in law to call these defendants to account in this honorable court for the same; but that there is good cause of demurrer thereunto, and accordingly they do demur; and for cause of demurrer say that said bill, in case the same were true, contains no matter of equity whereon this court can ground any
126 decree or give complainants any relief as against these defendants.

2nd. That complainants claim to be legatees under a will, alleged, and they also alledge that one of the defendants is executor of said alleged will, yet the said bill does not show that their title as legatees has ever been recognized by said executor, or said supposed legacy demanded according to the laws of Louisiana, and they have no right to bring this suit, and ask for the relief prayed for in their bill.

3rd. That the complainants show in their bill that State courts of Louisiana are and were seized of jurisdiction in said matter, and exclusive jurisdiction over the validity of said will, and that the property in question is now, and was when the bill was filed, in custody of the officers of the State courts, and that complainants had made themselves party to proceedings in the State courts, and, therefore, this court cannot take the jurisdiction of the matter and grant the relief prayed for in said bill.

4th. That this is, in effect, an attempt on the part of complainants, as will appear from their bill, to bring a petitory action in the court
127 of the United States on the chancery side.

5th. That the complainants pray that the court will pass upon the validity of the alleged will, and declare the same to be valid in its relations and incidents, and as it bears on real and personal estate of the alleged testator, which a court of chancery is incompetent to do.

6th. That it appears by said bill that the same is exhibited by the said complainants against the defendant Charles Carpenter, executor, and against various others named as defendants in said bill for several distinct matters and causes, in many of which the said Carpenter and many others named as defendants are not interested, and by means of such distinct matters said bill is drawn out to a great length, and the defendants, many of them, are compelled to be put at charges in respect thereof, and by joining distinct matters together which do not depend on each other, the proceedings in said suit will be intricate and
128 prolix, and many of the defendants put to unnecessary expenses in matters which do not concern them.

Wherefore, and for divers other errors and imperfections appearing in said bill, these defendant's humbly pray the judgment of this honorable court, whether they shall be compelled to make any answer to said bill and the matters and things therein contained, and pray to be hence dismissed with his reasonable costs in this behalf sustained.

(Signed) C. CARPENTER.
" ELIAS S. DENNIS.

The undersigned, solicitors for the defendants, hereby certify that in their opinion the demurrer in this case above written is well taken, and is well founded in point of law.

(Signed) GIVEN CAMPBELL.
" E. T. MERRICK.

Personally appeared before me, Lay Lindsay, United States commissioner for the southern district of Mississippi, Elias S. Dennis, who, being sworn according to law, deposes and says that the above demurrer is not interposed for delay.

(Signed) ELIAS S. DENNIS.

129 Sworn to and subscribed before me this 30th day of December, 1872.

[SEAL.] (Signed) LAY LINDSAY,
United States Commissioner.

Personally appeared before me, Lay Lindsay, United States commissioner for the southern district of Mississippi, Charles Carpenter, who, being duly sworn, deposes and says that the above and within demurrer is not interposed for delay.

(Signed) C. CARPENTER.

Sworn to and subscribed before me this 30th day of December, 1872.

[SEAL.] (Signed) LAY LINDSAY,
U. S. Commissioner.

Entry at January rules, 1873.

T. J. HAINES ET ALS., TRUSTEES, &C., *vs.* CHARLES CARPENTER, EXR., ET ALS. } No. 6802.

Chas. Carpenter and all the other defendants in this case have this day filed their joint and several demurrer to the complainants' bill of complaint.

Monday, 6th January, 1873.

Motion, demurrer, fixed.—Extract from the minutes, January 10th, 1873.

130 U. S. circuit court.

T. J. HAINES & ALS. *vs.* C. CARPENTER & ALS. } No. 6802.

On motion of Harris & Harris, Billings & Hughes, and Montgomery, solicitors for complainants, ordered that this demurrer herein filed be set for trial on 17th instant, at 11 a. m., and respondents notified thereof.

Notice of trial.

Circuit court of the United States for the fifth judicial circuit & district of Louisiana.

T. J. HAINES & AL., TRUSTEES, &C., *vs.* CHAS. CARPENTER, EXCR., & AL. } No. 6802.

You are hereby notified that the demurrer filed in this case is assigned for trial for Friday, the 17th day of January, A. D. 1873, at 11 o'clock a. m.

By order of court.

Witness my hand and seal of the said court, at New Orleans, this 10th day of January, A. D. 1873.

[SEAL.] F. B. VINOT,
D'y Clerk.

To GIVEN CAMPBELL, Esq., &
RACE FOSTER & E. T. MERRICK.

131 *Marshal's return.*

Received January 11th, 1873, by the U. S. marshal, and on same day, month, and year served a copy of within notice of trial on the within-named, in the following manner: on Race Foster and E. T. Merrick by handing the same to E. T. Merrick, and on Given Campbell personally.
New Orleans, January 13th, 1873.
(Signed) S. W. REED,
D'y U. S. Marshal.

Motion, application to appoint a receiver fixed.—Extract from minutes, January 13th, 1873.

U. S. circuit court.

T. J. HAINES & ALS.
vs.
C. CARPENTER & ALS. } No. 6802.

Now come complainants, by their solicitors, Harris & Harris, Billings & Hughes, and Montgomery, and move that the application for the appointment of a receiver, as prayed for in the bill herein filed, be set down for hearing on the 17th instant, at 11 a. m., and respondents notified thereof.

132 *Notice of trial.—Issued 13th January, 1873.*

Circuit court of the United States for the fifth judicial circuit and district of Louisiana.

T. J. HAINES ET ALS.
vs.
CHAS. CARPENTER & ALS. } No. 6802.

You are hereby notified that the application for the appointment of a receiver in this case is assigned for trial for Friday, the 17th day of January, A. D. 1873, at 11 o'clock a. m.
By order of court.
Witness my hand and seal of the said court, at New Orleans, this 13th day of January, A. D. 1873.
[SEAL.] (Signed) F. B. VINOT, *D'y Clerk.*

To GIVEN CAMPBELL, Esq.,
RACE FOSTER & MERRICK.

Marshal's return.

Received Jan. 14, 1873, by the U. S. marshal, and on the same day, month, and year served a copy of within notice of trial on the within-named in the following manner: on Given Campbell personally,
133 and on Race Foster and E. T. Merrick by handing the same to E. T. Merrick.
New Orleans, January 15th, 1873.
(Signed) S. W. REED,
D'y U. S. Marshal.

Hearing & submission of demurrer.—Extract from minutes, January 17, 1873.

T. J. HAINES & ALS.
vs.
CHAS. CARPENTER & ALS. } 6802.

This cause came up on the demurrer and the motion to appoint a receiver.

Billings & Hughes & Harris & Harris for complainants.

Race Foster & E. T. Merrick & G. Campbell for defendants.

When, after hearing the pleadings and the argument, the court took time to advise.

Order, demurrer overruled.—Extract from minutes, Febr'y 7th, 1873.

T. J. HAINES & ALS.
vs.
CHAS. CARPENTER & ALS. } No. 6802.

134 For reasons orally assigned, it is ordered that the demurrer be overruled, and that the case stand for answer, the application to appoint a receiver being denied for the present.

Order.—Order on demurrer set aside.—Extract from minutes, February 14, 1873.

T. J. HAINES & ALS.
vs.
CHAS. CARPENTER, EX., & ALS. } No. 6802.

Upon a reconsideration of this cause, it is ordered that the decree made on the 7th instant overruling the demurrer be set aside, and said demurrer re-instated for argument before either the Hon. W. B. Woods, circuit judge, or Mr. Justice Bradley, associate justice of the Supreme Court of the United States.

Motion, demurrer fixed.—Extract from minutes, February 19, 1873.

NEW ORLEANS, *Wednesday, Febr'y 19th,* 1873.

Court met pursuant to adjournment.

Present, the Hon. W. B. Woods, circuit judge.

U. S. circuit court.

T. J. HAINES ET ALS., TRUSTEES, &C.,
vs.
CHAS. CARPENTER, EXR., &C., ET ALS. } No. 6802.

135 On motion of Harris & Harris & Billings & Hughes, solicitors for the complainants, ordered that the demurrer herein filed as well as the motion for the appointment of a receiver be set for trial on Monday, 24th instant, at 11 a. m., and respondents notified hereof.

Notice of trial issued February 19th, 1873.

Circuit court of the United States for the fifth judicial circuit and district of Louisiana.

T. J. HAINES & ALS., TRUSTEES, &C., *vs.* CHAS. CARPENTER, EXECUTOR, &C., & ALS. } No. 6802.

You are hereby notified that the demurrer as well as the motion for the appointment of a receiver filed in this case are assigned for trial for Monday, the 24th day of February, A. D. 1873, at 11 o'clock a. m.

By order of court.

Witness my hand and seal of the said court at New Orleans, this 19th day of February, A. D. 1873.

[SEAL.] (Signed) F. B. VINOT, *D'y Clerk.*

To RACE FOSTER & E. T. MERRICK, Esqr.
To GIVEN CAMPBELL, Esq.

136 *Marshal's return.*

Received February 20th, 1873, by the U. S. marshal, and on same day, month, and year served a copy of within notice of trial on the within-named in the following manner: on Race Foster and E. T. Merrick by handing the same to E. T. Merrick, and on Given Campbell by leaving the same at his office, No. 61 Camp street, New Orleans, February 21st, 1873.

(Signed) S. W. REED,
D'y U. S. Marshal.

Order.—Continuance of demurrer.—Extract from minutes, Febr'y 24th, 1873.

T. J. HAINES ET ALS. *vs.* CHAS. CARPENTER ET ALS. } No. 6802.

By consent of counsel the demurrer in the case is continued till Friday, 28th instant, at 11 a. m.

Order.—Continuance of demurrer and of motion to appoint a receiver.—Extract from minutes Febr'y 28th, 1873.

T. J. HAINES ET ALS. *vs.* CHAS. CARPENTER ET ALS. } No. 6802.

137 By consent of counsel the demurrer and motion to appoint a receiver is continued till the 5th of March, 1873, at 11 a. m.

Hearing and submission of the demurrer and the motion to appoint a receiver.—Extract from minutes, March 5th, 1873.

T. J. HAINES ET ALS. *vs.* CHAS. CARPENTER ET ALS. } No. 6802.

The demurrer and the motion to appoint a receiver in this cause came up.

Given Campbell, Race Foster, and E. T. Merrick, for defendants; Harris & Harris and Billings & Hughes for complainants.

And, after hearing arguments, the court took time to consider.

Decree from decree-docket, March 10th, 1873.

Circuit court of the United States, fifth circuit and district of Louisiana.
November term, 1872.

NEW ORLEANS, *Monday, March 10th*, 1873.

Court met pursuant to adjournment.

Present, Hon. W. B. Woods, circuit judge.

T. J. HAINES ET ALS., TRUSTEES, &C.,
138 *vs.* } No. 6082.
CHAS. CARPENTER, EXR., ET ALS.

For reasons orally assigned, it is ordered and decreed that the motion to appoint a receiver be overruled, the defendants' demurrer sustained, and complainants' bill dismissed without prejudice, with costs.

Decree rendered March 10th, 1873.

Decree signed March 14th, 1873.

(Signed) W. B. WOODS, *Judge.*

Petition and order for appeal.—Filed March 15th, 1873.

United States circuit court for the fifth circuit and district of Louisiana.
In chancery.

T. J. HAINES & ALS., TRUSTEES, &C.,
vs. } No. 6802.
CHARLES CARPENTER, EXR., ET ALS.

The petition of T. J. Walne, A. Le Grand, A. C. Kirvin, A. V. Putnam, and T. J. Haines, who are trustees of the Vicksburg Baptist church, of Vicksburg, in the State of Mississippi, respectfully
139 represent' that, in the above-entitled suit, a decree was rendered on the 10th day of March, 1873, and signed on the 14th day of March, 1873, which will work to them an irreparable injury, and are advised that there is error therein to their prejudice unless they can be relieved therefrom by an appeal to the Supreme Court of the United States; wherefore petitioners pray that, upon their giving bond in accordance with law, that a suspensive appeal be allowed them from the said decree, and that the same be made returnable according to law, &c., &c., &c.

(Signed) HARRIS & HARRIS,
(") F. F. MONTGOMERY,
(") BILLINGS & HUGHES,
Solicitors for Complainants.

Order.

An appeal is allowed in this case as prayed for, returnable to the Supreme Court of the United States on the 2d Monday of October, 1873, the appellant giving bond in the sum of one thousand dollars, with good and solvent security, conditioned as the law directs.

140 New Orleans, March 15, 1873.

(Signed) W. B. WOODS, *Judge.*

Bond for appeal.—Filed May 14th, 1873.

UNITED STATES OF AMERICA:

Know all men by these presents that we, Thomas J. Walne, for himself as trustee, and in his capacity of attorney in fact of Alexr. Le Grand-Alexr. C. Kiven, A. V. Putnam, and Thomas J. Haines, the other trustees of the Vicksburg Baptist church, of Vicksburg, Mississippi, as principals, and Chas. W. Wood, of the city of New Orleans, La., as surety, are held and firmly bound, jointly and severally, unto Charles Carpenter, executor, Melinda B. Carpenter, Charles Carpenter, Geo. T. Trezevant, Julia Trezevant, Seayer Hays, Tobias Smith, Mary Stout and her husband, Thomas C. Stubblefield, Celia Groves, Rachel Groves, Elias S. Dennis, and Emma Purvis, in the sum of one thousand dollars, lawful money of the United States of America, to be paid to the said Charles Carpenter, executor, Melinda B. Carpenter, Charles Carpenter, Geo. T. Trezevant, Julia Trezevant, Seayer Hays, Tobias Smith, Mary Stout and her husband, Thomas C. Stubblefield, Celia Groves, Rachel
141 Groves, Elias S. Dennis, and Emma Purvis, their heirs, executors, administrators, and assigns; for which payment, well and truly to be made, we bind ourselves, and each of us by himself, and each of our heirs, executors, and administrators, firmly by these presents, sealed with our seals and dated the thirteenth day of May, in the year of our Lord eighteen hundred and seventy-three.

Whereas Thomas J. Walne, for himself as trustee as aforesaid, A. Le Grand, Alex. C. Kirven, A. V. Putnam, and Thomas J. Haines, trustees aforesaid, did, on the 15th day of March, A. D. 1873, present a petition to the honorable circuit court of the United States for the fifth circuit, holding sessions in and for the district of Louisiana, praying for a suspensive appeal from the decree rendered on the 10th day of March, 1873, in the suit of T. J. Haines et als., trustees, &c., *vs.* Charles Carpenter, exrs., &c., et als. No. 6802 of the docket of said court;

Now, the condition of the above obligation is that we, the above-bounden principals and surety, will well and truly pay to the said Charles Carpenter, executor, Melinda B. Carpenter, Charles Carpenter, Geo. T. Trezevant, Julia Trezevant, Seayar Hays, Tobias Smith, Mary Stout and her husband, Thomas C. Stubblefield, Celia Groves,
142 Rachel Groves, Elias S. Dennis, and Emma Purvis, the defendants in said appeal, all such damages as they may recover against us in case it should be decided that the said appeal was wrongfully obtained.

(Signed)

THOS. J. WALNE. [L. S.]
ALEX. LEGRAND. [L. S.]
AEX. C. KIRVEN. [L. S.]
A. V. PUTNAM. [L. S.]
THOS. J. HAINES, [L. S.]
By THOS. J. WALNE, [L. S.]
Atty. in fact.

(Signed) CHAS. W. WOOD. [L. S.]

Signed, sealed, and delivered in the presence of—

Witness:

(Signed) J. DEVONSHIRE.
" F. B. VINOT.

UNITED STATES OF AMERICA,
District of Louisiana, ss:

Charles W. Wood being duly sworn, says that he is the surety on the within appeal-bond; that he resides in the city of New Orleans, La., and that he is worth the sum of one thousand dollars, over and above all his debts and liabilities.

(Signed) CHARLES W. WOOD.

Sworn to and subscribed before me this 13th May, 1873.

(Signed) F. A. WOOLFLEY,
U. S. Commr.

Approved:

(Signed) E. H. DURELL, *Judge.*

143 *Documents filed with appeal-bond May 14th, 1872.*

Know all men by these presents that we, Alex. Le Grand, Gillis Smith, A. C. Kirven, T. J. Haines, and Cooley Mann, trustees of the Vicksburg Baptist church, of Vicksburg, Mississippi, do hereby authorize and empower T. J. Walne, of Vicksburg, Mississippi, to procure security or sureties in the sum of one thousand dollars upon the appeal-bond to be given upon obtaining an appeal from the circuit court of the United States for the district of Louisiana, to the Supreme Court of the United States, in the cause wherein T. J. Haines et als. are complainants and Charles Carpenter et als. are defendants, and to sign our names as principals to said bond, and to indemnify said sureties, and file said bond of record in said cause.

In testimony whereof we hereunto set our hands and seals at Vicksburg, this 30th day of April, A. D. 1873.

(Signed) A. LEGRAND. [SEAL.]
" A. C. KIRVEN. [SEAL.]
" GILLIS SMITH. [SEAL.]
" COOLEY MANN. [SEAL.]
" T. J. HAINES. [SEAL.]

144 UNITED STATES OF AMERICA,
The State of Mississippi, County of Warren,
City of Vicksburg, ss:

Be it remembered, that on the thirtieth day of April, 1873, before the subscriber, Lazarus Lindsey, a commissioner for the State of Louisiana, and also for the U. S. circuit court for southern district of Mississippi, in said city, personally came A. Le Grand, Gillis Smith, A. C. Kirven, Cooley Mann, & Thos. J. Haines, trustees of the Vicksburg Baptist church, in Vicksburg, Mississippi, known to me to be the parties who executed the annexed instrument of writing, and who acknowledged that they signed, sealed, and delivered the same as their voluntary act and deed, for the uses and purposes therein expressed.

All which I certify under my hand and official seal at the city, county, and State aforesaid, on the day and year above written.

{ SEAL U. S. CIR. CT. & FOR LOUISIANA. }

(Signed) LAZ. LINDSEY,
Comr. for the State of Louisiana and
Comr. for U. S. Cir. Court South'n Mississippi.

145 UNITED STATES OF AMERICA.

Circuit court of the United States, fifth circuit, and district of Louisiana.

CLERK'S OFFICE.

I, Francis A. Woolfley, clerk of the circuit court of the United States for the fifth circuit and district of Louisiana, do hereby certify that the foregoing 144 pages contain and form a full, complete, true, and perfect transcript of the record and proceedings had, together with all the evidence adduced on the trial of the case of T. J. Haines et als. trustees, &c, vs. Charles Carpenter, executor, etc., et als., No. 6802 of the docket, so far as the same remain of record or on file in said court.

Witness my hand and the seal of said court, at the city of New Orleans, this 23d day of August, A. D. 1873.

[SEAL.] F. A. WOOLFLEY, *Clerk.*

I, Edward H. Durell, United States judge for the district of Louisiana, do certify that Francis A. Woolfley, whose name is signed to the above certificate as clerk of the circuit court of the United States for the fifth circuit and district of Louisiana, was, at the time of signing said certificate, and is now, the clerk of said court. That said certificate is in due form of law, and that full faith and credit are due to his official attestations as such clerk.

Given under my hand, at the city of New Orleans, in said district, this 23d day of August, A. D. 1873.

E. H. DURELL, *Judge.*

146 THE UNITED STATES OF AMERICA.

Circuit court of the United States, district of Louisiana.

The President of the United States to Charles Carpenter, executor, Melinda B. Carpenter, Charles Carpenter, George T. Trezevant, Julia Trezevant, Seayer Hays, Tobias Smith, Mary Stout and her husband, Thomas C. Stubblefield, Celia Groves, Rachel Groves, Elias S. Dennis, and Emma Purvis, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at the city of Washington, on the second Monday of October next, pursuant to a petition for appeal & order filed in the clerk's office of the circuit court of the United States for the fifth circuit and district of Louisiana, wherein Thomas J. Walne, Alexander LeGrand, Alexander C. Kirven, A. V. Putnam, and Thomas J. Haines, trustees of the Vicksburg Baptist church, of Vicksburg, Mississippi, are complainants and appellants, and you are defendants and appellees, to show cause, if any there be, why the judgment rendered against the said complainants, as in said petition for appeal mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the honorable Nathan Clifford, associate justice of the Supreme Court of the United States, this 15th day of May, in the year of our Lord one thousand eight hundred and seventy-three.

E. H. DURELL, *Judge.*

147 (Indorsed:) United States circuit court, No. 6802. T. J. Haines & als., trustees, &c., vs. Charles Carpenter, executor, & als. Citation.

Marshal's return.

May 15, '73. On the 28th day of same month and year served a copy of within citation on the within named, by handing the same to Given Campbell, atty. for the same.

New Orleans, May 28th, 1873.

S. W. REED, *D'y. U. S. Marshal.*

On this 28th day of May, 1873, personally appeared before me, the subscriber, S. W. Reed, a deputy U. S. marshal, and makes oath that he served a copy of the within citation as stated in his official return hereon.

S. W. REED, *D'y U. S. Marshal.*

Sworn to and subscribed before me.

F. B. VINOT, *U. S. Commr.*

(Indorsement on cover:) No. 326. T. J. Haines et al. trustees of the Vicksburg Baptist church, appellants, vs. Charles Carpenter, exór., M. B. Carpenter, C. Carpenter, Geo. T. Trezevant, et al. Louisiana C. C. U. S. Filed 7th November, 1873.

Supreme Court of the United States.

OCTOBER TERM, 1875.

No. 100.

THOMAS J. HAINES, *et al.*, TRUSTEES OF THE VICKSBURG BAPTIST CHURCH, Appellants,

vs.

CHARLES CARPENTER, EXECUTOR OF CELIA A. GROVES, DECEASED, *et al.*

APPELLANT'S BRIEF.

JOSEPH CASEY.

Judd & Detweiler, Prs., Washington, D. C.

Supreme Court of the United States.

OCTOBER TERM, 1875.

No. 100—*In Equity.*

THOMAS J. HAINES, *et al.*, Trustees of the Vicksburg Baptist Church, Appellants,

vs.

CHARLES CARPENTER, Executor of Celia A. Groves, Deceased, *et al.*

Appeal from the Circuit Court of the United States for the District of Louisiana.

APPELLANT'S BRIEF.

Statement of the Case.

Mrs. Celia A. Groves, in her lifetime, was a citizen and resident of Madison Parish, in the State of Louisiana. She died there in February, 1872, having first made her last will and testament, in which Charles Carpenter was nominated as sole executor. The will, after her *death*, was probated, and letters testamentary issued to the executor. In the will, she devised her plantation in Madison Parish, Louisiana, (excepting one hundred and fifty acres,) to the Baptist church of Vicksburg, the proceeds to be applied to the education of young men for the ministry. (See pp. 18 and 19, Record.)

The bill was filed 17th September, 1872, and recites—and charges:

1st. The devise to the Church, and the appointment of Carpenter, one of the defendants as executor.

2d. The power and authority of the corporation appellant, to take and hold the devise as made.

3d. That the succession of testratrix's estate had been opened in Madison Parish, Louisiana, and letters testamentary, issued to Charles Carpenter. And charges his incompetency to manage the estate. And that through his incompetency and neglect, he had suffered the greater part of the devised lands to lie uncultivated and unproductive. And that the complainants feared that through the careless and negligent conduct of the executor, the benevolent designs and intentions of the testatrix, would be frustrated and defeated. And in consequence, he should be removed and some discreet person appointed to administer the trust.

4th. The bill charges a conspiracy between Carpenter, the executor, and one Elias S. Dennis, to have unfounded claims established, and judgments fraudulently rendered against the succession, in favor of said Dennis, in fraud of the rights of complainants.

5th. That certain of the defendants, representing themselves as heirs-at-law of the testatrix had before then instituted a suit in the parish court of Madison parish, Louisiana, alleging the invalidity of the devise to the Baptist Church of Vicksburg because of the uncertainty in the devise, and from want of capacity in the devisee to receive it, and which suit was still pending in said court.

6th. The bill further charges that certain others of the defendants claiming to be the heirs-at-law of George W. Groves, deceased, and claiming that the property devised to the complainants, was in fact the property and estate of said George W. Groves, and not of his wife, the testatrix, and

praying that the will of the testatrix in that regard be declared null and void.

7th. The complainants charge that the object and purpose of all these suits are manifestly for the purpose of destroying the will of the testatrix and defeating the devise to the church, and that they are harassed with a multiplicity of suits, which are burdensome and oppressive to them. And that they are advised and believe that the matters alleged are proper subjects of equity cognizance and jurisdiction. And that by reason of local prejudices against the church and complainants, as trustees, they cannot in the courts there obtain that measure of justice to which they are entitled.

8th. The bill also alleges the validity of the devise to the church—its certainty ; that it is not in conflict with the laws of the States of Louisiana, Mississippi, or the United States, and not inequitable, nor in derogation of the civil or common law. That the questions involved in reference to the succession of Mrs. Grove are multifarious, and the parties are numerous, all arising out of the same subject-matter ; and that to determine all these questions and settle the conflicting interests in the suits pending between so many and various parties, they claim the interposition of the equitable powers of the circuit court of the United States.

PRAYERS OF THE BILL.

1st. For an account by the executor of all receipts and expenditures received and made in the administration of the succession.

2d. For the appointment of a master to adjust and report to the Court upon the validity and amount of all claims made upon the succession, and for the payment of such as may be allowed.

3d. For process to make the parties named defendants in the suit.

4th. That Carpenter, having rendered the account prayed for, pay into Court any amount remaining in his hands.

5th. For the appointment of a receiver who shall hold the said amount subject to the order of the Court.

6th. That, after paying the ascertained debts of the succession of the testatrix, and the removal of Carpenter as executor, the complainants be put in possession of the devised premises.

7th. For an injunction against the executor, forbidding him from farther intermeddling with the property of the succession, and also against the other defendants from proceeding in or prosecuting their several suits, &c.

8th. For general relief.

Record, pp. 7, 8, and 9.

To this bill the defendants demurred, and assigned for cause of demurrer:

1st. That the bill contained no matter of equity upon which the circuit court could grant relief.

2d. That complainants devise or bequest under the will had never been recognized by the executor.

3d. That the State courts of Louisiana had exclusive jurisdiction of the subject-matter of the bill.

4th. That the bill is in substance a petitory action on the chancery side of a United States court.

5th. That a court of chancery is incompetent to pass on the validity of the will, as it bears on the right to the real or personal property of the testator.

6th. That the bill is multifarious.

See Record, pp. 45 and 46.

The Court sustained this demurrer, and dismissed the bill. Record, p. 51.

No written reasons are filed of record for the judgment of the Court. But counsel of appellants, in this Court, is advised that the grounds stated orally were:

1st. That exclusive jurisdiction of the subjects-matter of the bill was vested in the State courts of Louisiana.

2d. That the matters complained of in the bill were not subject to the equity powers of the United States courts.

Error Assigned.

The circuit court erred in entering judgment on the demurrer in favor of the defendants, when it ought to have been for the complainants.

Argument and Authorities.

I am relieved from any other argument or citation than to refer the Court to the case of Payne *vs.* Hook, 7 Wallace, 425. That case, in all its essential facts and features, is like the case at bar. The principles applicable to this case are there stated, in the judgment of the Court, with a clearness and perspicacity that amount to demonstration, and are sustained by an array of citations that is exhaustive and overwhelming.

I ask, therefore, that this judgment be reversed.

Respectfully submitted,

Joseph Casey.

